



2022/0155(COD)

19.4.2023

*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
Laying down rules to prevent and combat child sexual abuse
(COM(2022)0209 – C9-0174/2022 – 2022/0155(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Javier Zarzalejos

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Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council Laying down rules to prevent and combat child sexual abuse
(COM(2022)0209 – C9-0174/2022 – 2022/0155(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0209),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0174/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 1 and 2 to the EU Treaties, by the Spanish Parliament, the Netherlands Senate, the Irish Houses of the Oireachtas, the French Senate and the Czech Chamber of Deputies,
 - having regard to the opinion of the European Economic and Social Committee of 21 September 2022¹,
 - having regard to Rules 59 and 41 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0000/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Approves its statement annexed to this resolution, which will be published in the L series of the *Official Journal of the European Union* together with the final legislative act;
 3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C of 21.12.2022, p. 133.

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Given the central importance of relevant information society services, those aims can only be achieved by ensuring that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk of their services being misused for the purpose of child sexual abuse, those providers often being ***the only ones*** in a position to prevent and combat such abuse. The measures taken should be targeted, carefully balanced and proportionate, so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid imposing any excessive burdens on the providers of the services.

Amendment

(2) Given the central importance of relevant information society services, those aims can only be achieved by ensuring that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk of their services being misused for the purpose of child sexual abuse, those providers often being in a ***unique*** position to prevent and combat such abuse. The measures taken should be ***effective***, targeted, carefully balanced and proportionate, so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid imposing any excessive burdens on the providers of the services.

Or. en

Amendment 2

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which diverge, have a direct negative effect

Amendment

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which diverge, ***may*** have a direct negative

on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.

effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.

Or. en

Amendment 3

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is effective and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so ***as not to hamper*** innovation.

Amendment

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is effective, ***targeted and proportionate,*** and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so ***they encourage innovation and technological development to prevent and combat online child sexual abuse.***

Or. en

Amendment 4

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available

Amendment

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available

interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those service as publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming, image-sharing and video-hosting are equally at risk of misuse, they should also be covered by this Regulation. However, given the inherent differences between the various relevant information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and varying ability of the providers concerned to prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in an appropriate manner.

interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those service as publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming, image-sharing and video-hosting are equally at risk of misuse, they should also be covered by this Regulation. ***Online search engines and any other artificial intelligence services should also be covered.*** However, given the inherent differences between the various relevant information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and varying ability of the providers concerned to prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in an appropriate manner.

Or. en

Amendment 5

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) This Regulation should be without prejudice to the rules resulting from other Union acts, in particular Directive 2011/93 of the European Parliament and of the Council³⁸, Directive 2000/31/EC of the European Parliament and of the Council³⁹ and Regulation (EU) .../... of the European Parliament and of the Council⁴⁰ ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]***, Directive 2010/13/EU of the European Parliament and of the Council⁴¹, Regulation (EU) 2016/679 of the European Parliament and of the Council⁴², and Directive

Amendment

(7) This Regulation should be without prejudice to the rules resulting from other Union acts, in particular Directive 2011/93 of the European Parliament and of the Council³⁸, Directive 2000/31/EC of the European Parliament and of the Council³⁹ and Regulation (EU) **2022/2065** of the European Parliament and of the Council⁴⁰, Directive 2010/13/EU of the European Parliament and of the Council⁴¹, Regulation (EU) 2016/679 of the European Parliament and of the Council⁴², and Directive 2002/58/EC of the European Parliament and of the Council⁴³.

2002/58/EC of the European Parliament and of the Council⁴³.

³⁸ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

³⁹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

⁴⁰ Regulation (EU) .../... of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L ...).

⁴¹ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media service (OJ L 95, 15.4.2010, p. 1).

⁴² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

⁴³ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector ('Directive on privacy and electronic communications') (OJ L 201, 31.7.2002, p. 37).

³⁸ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

³⁹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

⁴⁰ Regulation (EU) **2022/2065** of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L **277/1**).

⁴¹ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media service (OJ L 95, 15.4.2010, p. 1).

⁴² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

⁴³ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector ('Directive on privacy and electronic communications') (OJ L 201, 31.7.2002, p. 37).

Amendment 6

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) This Regulation should be considered *lex specialis* in relation to the generally applicable framework set out in Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*** laying down harmonised rules on the provision of certain information society services in the internal market. The rules set out in Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*** apply in respect of issues that are not or not fully addressed by this Regulation.

Amendment

(8) This Regulation should be considered *lex specialis* in relation to the generally applicable framework set out in Regulation (EU) **2022/2065** laying down harmonised rules on the provision of certain information society services in the internal market. The rules set out in Regulation (EU) **2022/2065** apply in respect of issues that are not or not fully addressed by this Regulation.

Or. en

Amendment 7

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) In the interest of clarity and consistency, the definitions provided for in this Regulation should, where possible and appropriate, be based on and aligned with the relevant definitions contained in other acts of Union law, such as Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]***.

Amendment

(10) In the interest of clarity and consistency, the definitions provided for in this Regulation should, where possible and appropriate, be based on and aligned with the relevant definitions contained in other acts of Union law, such as Regulation (EU) **2022/2065**.

Or. en

Amendment 8

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) A substantial connection to the Union should be considered to exist where the relevant information society services has an establishment in the Union or, in its absence, ***on the basis of the existence of a significant*** number of ***users*** in one or more Member States, ***or*** the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of a software application in the relevant national software application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1), point (c), of Regulation (EU) 1215/2012 of the European Parliament and of the Council⁴⁴. Mere technical accessibility of a website from the Union should not, alone, be considered as establishing a substantial connection to the Union.

⁴⁴ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the

Amendment

(11) A substantial connection to the Union should be considered to exist where the relevant information society services has an establishment in the Union or, in its absence, ***where the*** number of ***recipients of the service*** in one or more Member States ***is significant in relation to its or their population, or on the basis of*** the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of a software application in the relevant national software application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1), point (c), of Regulation (EU) 1215/2012 of the European Parliament and of the Council⁴⁴. Mere technical accessibility of a website from the Union should not, alone, be considered as establishing a substantial connection to the Union.

⁴⁴ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the

recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

Or. en

Amendment 9

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) Some of those providers of relevant information society services in scope of this Regulation may also be subject to an obligation to conduct a risk assessment under Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*** with respect to information that they store and disseminate to the public. For the purposes of the present Regulation, those providers may draw on such a risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse, as required by this Regulation.

Amendment

(15) Some of those providers of relevant information society services in scope of this Regulation may also be subject to an obligation to conduct a risk assessment under Regulation (EU) **2022/2065** with respect to information that they store and disseminate to the public. For the purposes of the present Regulation, ***and in order to ensure consistency and avoid duplication***, those providers may draw on such a risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse, as required by this Regulation.

Or. en

Amendment 10

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures

Amendment

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures

pursuant to Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*** may consider to which extent mitigation measures adopted to comply with that obligation, ***which*** may include targeted measures to protect the rights of the child, including ***age verification and*** parental control tools, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

pursuant to Regulation (EU) ***2022/2065*** may consider to which extent mitigation measures adopted to comply with that obligation. ***Mitigation measures*** may include ***designing their online interfaces or parts thereof with the highest level of privacy, safety and security for children by default or adopting standards for protection of children, or participating in codes of conduct for protecting children,*** targeted measures to protect the rights of the child, including ***functionalities enabling age assurance and age scoring, and age-appropriate*** parental control tools. ***Enabling flagging and/or notifying mechanisms and self-reporting functionalities*** may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Or. en

Amendment 11

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Providers should also assess, in a separate section of their risk assessment, the voluntary use of specific technologies for the processing of personal data and other data to the extent strictly necessary to detect online child sexual abuse on their services and report it and to remove online child sexual abuse material from their services. On the basis of this separated assessment, providers may request to the competent Coordinating Authority the need to continue, as part of their mitigation measures, using specific technologies for the processing of personal data and other data for those purposes. Following this request of the provider, the competent Coordinating

Authority should have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue an order that authorizes the provider to maintain or implement mitigation measures that consist of using specific technologies for the processing of personal and other data to the extent strictly necessary to detect, report and remove online child sexual abuse on their services.

Or. en

Amendment 12

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the need to comply with Union law and, in particular, the requirements of this Regulation on mitigation measures. Therefore, providers of hosting services and providers of publicly available interpersonal communications services should, when designing and implementing the mitigation measures, give importance not only to ensuring their effectiveness, but also to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights. In order to ensure proportionality, when determining which mitigation measures should reasonably be taken in a given situation, account should also be taken of the financial and technological capabilities and the size of the provider concerned. When selecting appropriate mitigation measures, providers should at least duly consider the possible measures listed in this Regulation, as well as, where appropriate, other measures such

Amendment

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the need to comply with Union law and, in particular, the requirements of this Regulation on mitigation measures. Therefore, providers of hosting services and providers of publicly available interpersonal communications services should, when designing and implementing the mitigation measures, give importance not only to ensuring their effectiveness, but also to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights ***and therefore be the least intrusive as possible***. In order to ensure proportionality, when determining which mitigation measures should reasonably be taken in a given situation, account should also be taken of the financial and technological capabilities and the size of the provider concerned. When selecting appropriate mitigation measures, providers should at least duly consider the possible measures listed in this Regulation,

as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the Commission. When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation measures.

as well as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the Commission. When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation measures.

Or. en

Amendment 13

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when mitigating measures **are deemed insufficient** to limit the risk of misuse of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request the issuance of detection orders. In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available interpersonal communications services, and that solicitation of children mostly takes place in publicly available interpersonal communications services, it should only be possible to address detection orders to providers of such services.

Amendment

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when ***the provider refuses to cooperate by putting in place the*** mitigating measures ***aimed*** to limit the risk of misuse of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request, ***as a measure of last resort***, the issuance of detection orders. In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available interpersonal communications services, and that solicitation of children mostly takes place in publicly available interpersonal communications services, it should only be possible to address detection orders to providers of such services.

Or. en

Amendment 14

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) Furthermore, as parts of those limits and safeguards, detection orders should only be issued after a diligent and objective assessment leading to the finding of a significant risk of the specific service concerned being misused for a given type of online child sexual abuse covered by this Regulation. One of the elements to be taken into account in this regard is the likelihood that the service is used to an appreciable extent, that is, beyond isolated and relatively rare instances, for such abuse. The criteria should vary so as to account of the different characteristics of the various types of online child sexual abuse at stake and of the different characteristics of the services used to engage in such abuse, as well as the related different degree of intrusiveness of the measures to be taken to execute the detection order.

Amendment

(21) Furthermore, as parts of those limits and safeguards, detection orders should only be issued after a diligent and objective assessment leading to the finding of a significant risk of the specific service concerned being misused for a given type of online child sexual abuse covered by this Regulation. ***For conducting such assessment a fluent dialogue must be established between the Coordinating Authority and the provider. In order to achieve that aim, it should be possible for the Coordinating Authority to request additional information to the EU Centre, the competent data protection authorities or another public authority or entities.*** One of the elements to be taken into account in this regard is the likelihood that the service is used to an appreciable extent, that is, beyond isolated and relatively rare instances, for such abuse. ***An appreciable extent may be understood as being where access to child sexual abuse material could spread rapidly and widely with a particularly wide reach or other means of amplification.*** The criteria should vary so as to account of the different characteristics of the various types of online child sexual abuse at stake and of the different characteristics of the services used to engage in such abuse, as well as the related different degree of intrusiveness of the measures to be taken to execute the detection order.

Or. en

Amendment 15

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the detection order is targeted and ***specified*** so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to effectively address the significant risk identified. This should concern, in particular, a limitation to an identifiable part or component of the service ***where possible without prejudice to the effectiveness of the measure***, such as specific types of channels of a publicly available interpersonal communications service, or to specific users or specific groups of users, to the extent that they can be taken in isolation for the purpose of detection, as well as the specification of the safeguards additional to the ones already expressly specified in this Regulation, such as independent auditing, the provision of additional information or access to data, or reinforced human oversight and review, and the further limitation of the duration of application of the detection order that the Coordinating Authority deems necessary. To avoid unreasonable or disproportionate outcomes, such requirements should be set after an objective and diligent assessment conducted on a case-by-case basis.

Amendment

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the detection order is ***justified, proportionate or related to the specific service, users or group of users***, targeted and ***limited in time*** so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to effectively address the significant risk identified. This should concern, in particular, a limitation to an identifiable part or component of the service, such as specific types of channels of a publicly available interpersonal communications service, or to specific users or specific groups of users, to the extent that they can be taken in isolation for the purpose of detection, as well as the specification of the safeguards additional to the ones already expressly specified in this Regulation, such as independent auditing, the provision of additional information or access to data, or reinforced human oversight and review, and the further limitation of the duration of application of the detection order that the Coordinating Authority deems necessary. To avoid unreasonable or disproportionate outcomes, such requirements should be set after an objective and diligent assessment conducted on a case-by-case basis.

Or. en

Amendment 16

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) The measures taken by providers of hosting services and providers of publicly

Amendment

(26) The measures taken by providers of hosting services and providers of publicly

available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. ***That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children.*** When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

Or. en

Amendment 17

Proposal for a regulation Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) End-to-end encryption is an important tool to guarantee the security

and confidentiality of the communications of users, including those of children. Any weakening of the end-to-end encryption could potentially be abused by malicious third parties. Nothing in this Regulation should therefore be interpreted as prohibiting or weakening end-to-end encryption. However, to the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, providers should be authorised by the competent judicial authority or another independent administrative authority to process metadata that can detect suspicious patterns of behaviour without having access to the content of the encrypted communication.

Or. en

Amendment 18

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers detection technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them. The European Data Protection Board should be consulted on those technologies and the ways in which they should be best deployed to ensure compliance with applicable rules of Union law on the protection of personal data. The advice of the European Data Protection Board should be taken into account by the EU Centre when compiling the lists of available technologies and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers *may* operate the

Amendment

(27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers detection technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them. The European Data Protection Board should be consulted on those technologies and the ways in which they should be best deployed to ensure compliance with applicable rules of Union law on the protection of personal data. The advice of the European Data Protection Board should be taken into account by the EU Centre when compiling the lists of available technologies and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers ***should not be limited to***

technologies made available by the EU Centre or by others *or* technologies that they developed themselves, as long as they meet the requirements of this Regulation.

operate the technologies made available by the EU Centre or by others *but they will always be allowed to use* technologies that they developed themselves, as long as they meet the requirements of this Regulation.

Or. en

Amendment 19

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Providers of hosting services and providers of publicly available interpersonal communications services are uniquely positioned to detect potential online child sexual abuse involving their services. The information that they may obtain when offering their services is often indispensable to effectively investigate and prosecute child sexual abuse offences. Therefore, *they should be required to report* on potential *online* child sexual abuse on their services, *whenever they become aware of it, that is, when there are reasonable grounds to believe that a particular activity may constitute online* child sexual abuse. Where such reasonable grounds exist, doubts about the potential victim's age should not prevent those providers from submitting reports. *In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. Such awareness could, for example, be obtained through the execution of detection orders, information flagged by users or organisations acting in the public interest against child sexual abuse, or activities conducted on the providers' own initiative. Those providers should report* a minimum of information, as specified in this Regulation, *for competent law enforcement authorities to be able to assess whether to initiate an investigation, where relevant*, and should ensure that the reports are as complete as

Amendment

(29) Providers of hosting services and providers of publicly available interpersonal communications services are uniquely positioned to detect potential online child sexual abuse involving their services. The information that they may obtain when offering their services is often indispensable to effectively investigate and prosecute child sexual abuse offences. Therefore, *upon obtaining actual knowledge or awareness* on potential child sexual abuse on their services, *they should act expeditiously to remove or to disable access to that content and to report it to the EU Centre in accordance with this Regulation. The removal or disabling of access should respect the fundamental rights of the recipients of the service, including the right to freedom of expression and of information. The provider can obtain such actual knowledge or awareness on potential* child sexual abuse *on their services, inter alia through its own-initiative investigations, through the execution of voluntary detection orders or detection orders, as well as through information flagged by users, self-reported by victims or organisations, such as hotlines, acting in the public interest against child sexual abuse, or through notifications done by the Coordinating authorities or by the EU Centre.* Where such reasonable grounds exist, doubts about the potential victim's

possible before submitting them.

age should not prevent those providers from submitting reports. *Those reports* should ***contain*** a minimum of information, as specified in this Regulation, and ***providers*** should ensure that the reports are as complete as possible before submitting them ***so competent law enforcement authorities can focus on reports that are most likely to lead to the recovery of a child, the arrest of an offender, or both.***

Or. en

Amendment 20

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent judicial authorities or independent administrative authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Amendment

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent judicial authorities or independent administrative authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences. ***Removal orders should be addressed, as a general rule, to providers of relevant information society services acting as recipient of the service in accordance with Regulation (EU) 2022/2065. As an exception, where content is stored or processed as part of an infrastructure provided by another provider of a relevant information society service, the removal order may be directly addressed to it where the recipient of the service cannot be identified despite***

reasonable efforts on the part of the Coordinating Authority, or where addressing the recipient of the service may be detrimental to an ongoing investigation.

Or. en

Amendment 21

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) The rules of this Regulation should not be understood as affecting the requirements regarding removal orders set out in Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*.

Amendment

(31) The rules of this Regulation should not be understood as affecting the requirements regarding removal orders set out in Regulation (EU) **2022/2065**.

Or. en

Amendment 22

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) In the interest of consistency, efficiency and effectiveness and to minimise the risk of circumvention, such blocking orders should be based on the list of uniform resource *locators*, leading to specific items of verified child sexual abuse, compiled and provided centrally by the EU Centre on the basis of diligently verified submissions by the relevant authorities of the Member States. In order to avoid the taking of unjustified or disproportionate measures, especially those that would unduly affect the fundamental rights at stake, notably, in addition to the rights of the children, the users' freedom of expression and information and the providers' freedom to conduct a business,

Amendment

(33) In the interest of consistency, efficiency and effectiveness and to minimise the risk of circumvention, such blocking orders should be based on the list of Uniform Resource *Identifiers*, leading to specific items of verified child sexual abuse, compiled and provided centrally by the EU Centre on the basis of diligently verified submissions by the relevant authorities of the Member States. In order to avoid the taking of unjustified or disproportionate measures, especially those that would unduly affect the fundamental rights at stake, notably, in addition to the rights of the children, the users' freedom of expression and information and the providers' freedom to conduct a business,

appropriate limits and safeguards should be provided for. In particular, it should be ensured that the burdens imposed on the providers of internet access services concerned are not unreasonable, that the need for and proportionality of the blocking orders is diligently assessed also after their issuance and that both the providers and the users affected have effective means of judicial as well as non-judicial redress.

appropriate limits and safeguards should be provided for. In particular, it should be ensured that the burdens imposed on the providers of internet access services concerned are not unreasonable, that the need for and proportionality of the blocking orders is diligently assessed also after their issuance and that both the providers and the users affected have effective means of judicial as well as non-judicial redress.

Or. en

Amendment 23

Proposal for a regulation Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) To prevent the dissemination of the known child sexual abuse material to users in the Union, online search engines and any other artificial intelligence systems should be subject to delisting orders. Coordinating Authorities should have the power to issue a delisting order addressed to the provider of online search engines or any other artificial intelligence systems under the jurisdiction of the Member State that designated them to take reasonable measures to delist a particular resource or resources indicating specific items of known child sexual abuse material.

Or. en

Amendment 24

Proposal for a regulation Recital 35

Text proposed by the Commission

Amendment

(35) ***The*** dissemination of child sexual abuse material is a criminal offence that affects the rights of the victims depicted.

(35) ***Each act of*** dissemination of child sexual abuse material is a criminal offence that affects the rights of the victims

Victims should *therefore* have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant information if known child sexual abuse material depicting them is reported by providers of hosting services or providers of publicly available interpersonal communications services in accordance with this Regulation.

depicted. ***Repeated dissemination of child sexual abuse material constitutes a form of revictimisation and may reach extreme level in cases of so-called 'highly traded' material.*** Victims should have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant information if known child sexual abuse material depicting them is reported by providers of hosting services or providers of publicly available interpersonal communications services in accordance with this Regulation. ***In dealing with such requests from cases of highly traded child sexual abuse material, particular care should be taken by the EU Centre and Coordinating Authorities to ensure the safeguarding of the victims concerned.***

Or. en

Amendment 25

Proposal for a regulation Recital 36

Text proposed by the Commission

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or

Amendment

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question. ***Parents or guardians should have equal legal standing to exercise victim's rights when the victim is not able to do so due to age or other limitations.*** That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material

disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted by the EU Centre in this regard, via the Coordinating Authorities.

concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted by the EU Centre in this regard, via the Coordinating Authorities.

Or. en

Amendment 26

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) For the purpose of facilitating the exercise of the victims' right to information and of assistance and support for removal or disabling of access, victims should be allowed to indicate the relevant item or items of child sexual abuse material in respect of which they are seeking to obtain information or removal or disabling of access either by means of providing the image or images or the video or videos themselves, or by means of providing the uniform resource *locators* leading to the specific item or items of child sexual abuse material, or by means of any other representation allowing for the unequivocal identification of the item or items in question.

Amendment

(38) For the purpose of facilitating the exercise of the victims' right to information and of assistance and support for removal or disabling of access, victims should be allowed to indicate the relevant item or items of child sexual abuse material in respect of which they are seeking to obtain information or removal or disabling of access either by means of providing the image or images or the video or videos themselves, or by means of providing the Uniform Resource *Identifiers* leading to the specific item or items of child sexual abuse material, or by means of any other representation allowing for the unequivocal identification of the item or items in question.

Or. en

Amendment 27

Proposal for a regulation Recital 40

Text proposed by the Commission

(40) In order to facilitate smooth and

Amendment

(40) In order to facilitate smooth and

efficient communications by electronic means, including, where relevant, by acknowledging the receipt of such communications, relating to matters covered by this Regulation, providers of relevant information society services should be required to designate a single point of contact and to publish relevant information relating to that point of contact, including the languages to be used in such communications. In contrast to the provider's legal representative, the point of contact should serve operational purposes and should not be required to have a physical location. Suitable conditions should be set in relation to the languages of communication to be specified, so as to ensure that smooth communication is not unreasonably complicated. For providers subject to the obligation to establish a compliance function and nominate compliance officers in accordance with Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*, one of these compliance officers may be designated as the point of contact under this Regulation, in order to facilitate coherent implementation of the obligations arising from both frameworks.

efficient communications by electronic means, including, where relevant, by acknowledging the receipt of such communications, relating to matters covered by this Regulation, providers of relevant information society services should be required to designate a single point of contact and to publish relevant information relating to that point of contact, including the languages to be used in such communications. In contrast to the provider's legal representative, the point of contact should serve operational purposes and should not be required to have a physical location. Suitable conditions should be set in relation to the languages of communication to be specified, so as to ensure that smooth communication is not unreasonably complicated. For providers subject to the obligation to establish a compliance function and nominate compliance officers in accordance with Regulation (EU) **2022/2065**, one of these compliance officers may be designated as the point of contact under this Regulation, in order to facilitate coherent implementation of the obligations arising from both frameworks.

Or. en

Amendment 28

Proposal for a regulation Recital 42

Text proposed by the Commission

(42) Where relevant and convenient, subject to the choice of the provider of relevant information society services and the need to meet the applicable legal requirements in this respect, it should be possible for those providers to designate a single point of contact and a single legal representative for the purposes of Regulation (EU) .../... *[on a Single*

Amendment

(42) Where relevant and convenient, subject to the choice of the provider of relevant information society services and the need to meet the applicable legal requirements in this respect, it should be possible for those providers to designate a single point of contact and a single legal representative for the purposes of Regulation (EU) **2022/2065** and this

Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC and this Regulation.

Regulation.

Or. en

Amendment 29

Proposal for a regulation Recital 48

Text proposed by the Commission

(48) Given the need to ensure the effectiveness of the obligations imposed, Coordinating Authorities should be granted enforcement powers to address infringements of this Regulation. These powers should include the power to temporarily restrict access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place. In light of the high level of interference with the rights of the service providers that such a power entails, the latter should only be exercised when certain conditions are met. Those conditions should include the condition that the infringement results in the regular and structural facilitation of child sexual abuse offences, which should be understood as referring to a situation in which it is apparent from all available evidence that such facilitation has occurred on a large scale and over an extended period of time.

Amendment

(48) Given the need to ensure the effectiveness of the obligations imposed, Coordinating Authorities should be granted enforcement powers to address infringements of this Regulation. These powers should include the power ***to request the competent judicial authority or independent administrative authority of the Member State that designated them*** to temporarily restrict access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place. In light of the high level of interference with the rights of ***the users and*** the service providers that such a power entails, the latter should only be exercised when certain conditions are met. Those conditions should include the condition that the infringement results in the regular and structural facilitation of child sexual abuse offences, which should be understood as referring to a situation in which it is apparent from all available evidence that such facilitation has occurred on a large scale and over an extended period of time.

Or. en

Amendment 30

Proposal for a regulation Recital 49

Text proposed by the Commission

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and on the execution of detection orders, removal ***orders or*** blocking orders that it issued, are effectively complied in practice, each Coordinating Authority should be able to carry out searches, using the relevant indicators provided by the EU Centre, to detect the dissemination of known or new child sexual abuse material through publicly available material in the hosting services of the providers concerned.

Amendment

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and on the execution of ***voluntary*** detection orders, ***detection,*** removal, blocking ***or delisting*** orders that it issued, are effectively complied in practice, each Coordinating Authority should be able to carry out searches, using the relevant indicators provided by the EU Centre, to detect the dissemination of known or new child sexual abuse material through publicly available material in the hosting services of the providers concerned.

Or. en

Amendment 31

**Proposal for a regulation
Recital 53**

Text proposed by the Commission

(53) Member States should ensure that for infringements of the obligations laid down in this Regulation there are penalties that are effective, proportionate and dissuasive, taking into account elements such as the nature, gravity, recurrence and duration of the infringement, in view of the public interest pursued, the scope and kind of activities carried out, as well as the economic capacity of the provider of relevant information society services concerned.

Amendment

(53) Member States should ensure that for infringements of the obligations laid down in this Regulation there are penalties ***which can be of an administrative or penal nature, as well as, where appropriate, fining guidelines*** that are effective, proportionate and dissuasive, taking into account elements such as the nature, gravity, recurrence and duration of the infringement, in view of the public interest pursued, the scope and kind of activities carried out, as well as the economic capacity of the provider of relevant information society services concerned. ***Particularly severe penalties should be imposed on the providers of relevant information society services in the event that those service providers systematically or persistently fail to comply with the obligations set out in this Regulation. Member States should ensure that those penalties do not encourage the***

over reporting or the removal of material which does not constitute child sexual abuse material.

Or. en

Amendment 32

Proposal for a regulation Recital 64

Text proposed by the Commission

(64) Given the sensitivity of the data concerned and with a view to avoiding any errors and possible misuse, it is necessary to lay down strict rules on the access to those databases of indicators and databases of reports, on the data contained therein and on their security. In particular, the data concerned should not be stored for longer than is strictly necessary. For the above reasons, access to the database of indicators should be given only to the parties and for the purposes specified in this Regulation, subject to the controls by the EU Centre, and be limited in time and in scope to what is strictly necessary for those purposes.

Amendment

(64) Given the sensitivity of the data concerned and with a view to avoiding any errors and possible misuse, it is necessary to lay down strict rules on the access to those databases of indicators and databases of reports, on the data contained therein and on their security. In particular, the data concerned should not be stored for longer than is strictly necessary. For the above reasons, access to the database of indicators should be given only ***upon request*** to the parties and for the purposes specified in this Regulation, subject to the controls by the EU Centre, and be limited in time and in scope to what is strictly necessary for those purposes.

Or. en

Amendment 33

Proposal for a regulation Recital 65

Text proposed by the Commission

(65) In order to avoid erroneous reporting of online child sexual abuse under this Regulation and to allow law enforcement authorities to focus on their core investigatory tasks, reports should pass through the EU Centre. ***The EU Centre should assess*** those reports ***in order to identify those that are*** manifestly unfounded, ***that is***, where it is immediately evident, without any substantive legal or

Amendment

(65) In order to avoid erroneous reporting of online child sexual abuse under this Regulation and to allow law enforcement authorities to focus on their core investigatory tasks, reports should pass through the EU Centre ***and*** those reports ***should be assessed in a timely manner to ensure that a decision on the criminal relevance of the reported material is made as early as possible and***

factual analysis, that the reported activities do not constitute online child sexual abuse. ***Where the report is manifestly unfounded,*** the EU Centre should provide feedback to the reporting provider of hosting services or provider of publicly available interpersonal communications services in order to allow for improvements in the technologies and processes used and for other appropriate steps, such as reinstating material wrongly removed. ***As*** every report could ***be*** an important means to investigate and prosecute the child sexual abuse offences concerned and to rescue the victim of the abuse, ***reports should be processed as quickly as possible.***

to limit the retention of irrelevant data as far as possible. Reports will be considered manifestly unfounded, where it is immediately evident, without any substantive legal or factual analysis, that the reported activities do not constitute online child sexual abuse. ***In those cases,*** the EU Centre should provide feedback to the reporting provider of hosting services or provider of publicly available interpersonal communications services in order to allow for improvements in the technologies and processes used and for other appropriate steps, such as reinstating material wrongly removed. ***Where the EU Centre considers that a report is not manifestly unfounded, it should forward the report to the competent law enforcement authority or authorities of the Member State likely to have jurisdiction to investigate or prosecute the potential child sexual abuse to which the report relates or to Europol in those cases where that competent law enforcement authority or those competent law enforcement authorities cannot be determined with sufficient certainty. Even in cases where the competent national law enforcement authority has been identified, the EU Centre should forward all not manifestly unfounded reports to Europol, in accordance with Union law, determining the purpose or purposes for which it is to be processed by Europol as well as the conditions for such processing. As long as what constitutes an actionable report may differ from one Member State to another, due to differing national legislations,*** every report could ***serve as*** an important means to investigate and prosecute the child sexual abuse offences concerned and to rescue the victim of the abuse.

Or. en

Amendment 34

Proposal for a regulation Recital 68

Text proposed by the Commission

(68) Processing and storing certain personal data is necessary for the performance of the EU Centre's tasks under this Regulation. In order to ensure that such personal data is adequately protected, the EU Centre should only process and store personal data if strictly necessary for the purposes detailed in this Regulation. It should do so in a secure manner and limit storage to what is strictly necessary for the performance of the relevant tasks.

Amendment

(68) Processing and storing certain personal data is necessary for the performance of the EU Centre's tasks under this Regulation. In order to ensure that such personal data is adequately protected, the EU Centre should only process and store personal data if strictly necessary for the purposes detailed in this Regulation. It should do so in a secure **and supervised** manner and limit storage to what is strictly necessary for the performance of the relevant tasks **and for a maximum retention period of 24 months**.

Or. en

Amendment 35

Proposal for a regulation Recital 70

Text proposed by the Commission

(70) Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines and encourage that they **work together** effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines' expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union.

Amendment

(70) Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines, **conclude, when necessary, memoranda of understanding with them,** and encourage that they **cooperate and coordinate** effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines' expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union.

Amendment 36**Proposal for a regulation
Recital 71***Text proposed by the Commission*

(71) Considering Europol's mandate and its experience in identifying competent national authorities in unclear situation and its database of criminal intelligence which can contribute to identifying links to investigations in other Member States, the EU Centre should cooperate closely with it, especially in order to ensure the swift identification of competent national law enforcement authorities in cases where that is not clear or where more than one Member State may be affected.

Amendment

(71) Considering Europol's mandate and its experience in identifying competent national authorities in unclear situation and its database of criminal intelligence which can contribute to identifying links to investigations in other Member States, the EU Centre should cooperate closely with it, especially in order to ensure the swift identification of competent national law enforcement authorities in cases where that is not clear or where more than one Member State may be affected. ***The EU Centre, while being an independent entity, should maximise efficiency by sharing, where possible, support functions with Europol and information technology (IT) services.***

Amendment 37**Proposal for a regulation
Recital 72***Text proposed by the Commission*

(72) ***Considering the need for the EU Centre to cooperate intensively with Europol, the EU Centre's headquarters should be located alongside Europol's, which is located in The Hague, the Netherlands. The highly sensitive nature of the reports shared with Europol by the EU Centre and the technical requirements, such as on secure data connections, both benefit from a shared location between the EU Centre and Europol. It would also allow the EU Centre, while being an independent entity,***

Amendment

(72) ***The arrangements concerning the seat of the EU Centre should be laid down in a headquarters agreement between the EU Centre and the host Member State. The headquarters agreement should stipulate the conditions of establishment of the seat and the advantages conferred by the Member State on the EU Centre and its staff. In line with point 9 of the Common Approach of 19 July 2012 on the location of the seats of decentralised agencies, the EU Centre should conclude a headquarters agreement with the host***

to rely on the support services of Europol, notably those regarding human resources management, information technology (IT), including cybersecurity, the building and communications. Sharing such support services is more cost-efficient and ensure a more professional service than duplicating them by creating them anew.

Member State in a timely manner before it starts its operational phase. In light of the case-law of the Court of Justice, the choice of the location of the seat should be made in accordance with the ordinary legislative procedure and should comply with the criteria laid down in this Regulation.

Or. en

Amendment 38

Proposal for a regulation Recital 74 a (new)

Text proposed by the Commission

Amendment

(74a) One of the pillars of this Regulation is the assistance and support of victims of child sexual abuse. In order to better understand and address victims' individual needs is essential to create a forum where victims' organisations are heard and the EU Centre can learn from their experience, expertise and knowledge. The Victims' Consultative Forum will play a key role in advising the EU Centre in its approach to all victim-related issues.

Or. en

Amendment 39

Proposal for a regulation Recital 84

Text proposed by the Commission

Amendment

(84) The European Data Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 of the European Parliament and of the Council⁴⁸ and delivered their opinion on [...].

(84) The European Data Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 of the European Parliament and of the Council⁴⁸ and delivered their *joint* opinion on **28 July 2022**.

⁴⁸ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

⁴⁸ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Or. en

Amendment 40

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) obligations on providers of online search engines and any other artificial intelligence systems to delist or disable specific items of child sexual abuse, or both;

Or. en

Amendment 41

Proposal for a regulation

Article 1 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) Directive 2000/31/EC and Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]***;

(b) Directive 2000/31/EC and Regulation (EU) **2022/2065**;

Or. en

Amendment 42

Proposal for a regulation

Article 1 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) Regulation (EU) .../... on Artificial Intelligence (Artificial Intelligence Act).

Or. en

Amendment 43

Proposal for a regulation

Article 2 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) ‘hosting service’ means an information society service as defined in Article 2, point **(f)**, third indent, of Regulation (EU) .../... **[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]**;

(a) ‘hosting service’ means an information society service as defined in Article **3**, point **(g)**, third indent, of Regulation (EU) **2022/2065**;

Or. en

Amendment 44

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) ‘software application’ means a digital product or service as defined in Article 2, point **13**, of Regulation (EU) .../... **[on contestable and fair markets in the digital sector (Digital Markets Act)]**;

(c) ‘software application’ means a digital product or service as defined in Article 2, point **15**, of Regulation (EU) **2022/1925**;

Or. en

Amendment 45

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) ‘software application store’ means a service as defined in Article 2, point **12**,

(d) ‘software application store’ means a service as defined in Article 2, point **14**,

of Regulation (EU) .../... [on contestable and fair markets in the digital sector (Digital Markets Act)];

of Regulation (EU) **2022/1925** [on contestable and fair markets in the digital sector (Digital Markets Act)];

Or. en

Amendment 46

Proposal for a regulation

Article 2 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) “online search engine” means an intermediary service as defined in Article 3, point (j), of Regulation (EU) 2022/2065;

Or. en

Amendment 47

Proposal for a regulation

Article 2 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) ‘intermediary service’ means a service as defined in Article 3, point (g), of Regulation (EU) 2022/2065;

Or. en

Amendment 48

Proposal for a regulation

Article 2 – paragraph 1 – point e c (new)

Text proposed by the Commission

Amendment

(ec) ‘artificial intelligence system’ (AI system) means software as defined in Article 3(1) of Regulation (EU) .../... on Artificial Intelligence (Artificial Intelligence Act);

Or. en

Amendment 49

Proposal for a regulation

Article 2 – paragraph 1 – point f – point iv a (new)

Text proposed by the Commission

Amendment

(iv a) an online search engine;

Or. en

Amendment 50

Proposal for a regulation

Article 2 – paragraph 1 – point f – point iv b (new)

Text proposed by the Commission

Amendment

(iv b) an artificial intelligence system.

Or. en

Amendment 51

Proposal for a regulation

Article 2 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) ‘to offer services in the Union’ means to offer services in the Union as defined in Article 2, point (d), of Regulation (EU) .../... **[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC];**

(g) ‘to offer services in the Union’ means to offer services in the Union as defined in Article 3, point (d), of Regulation (EU) **2022/2065**;

Or. en

Amendment 52

Proposal for a regulation

Article 2 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural

deleted

person below the age of 17 years;

Or. en

Justification

A “child user” is a “child” as defined in point (i) and a “user” as defined in point (h) thus this would be redundant.

Amendment 53

Proposal for a regulation

Article 2 – paragraph 1 – point m

Text proposed by the Commission

(m) ‘known child sexual abuse material’ means ***potential*** child sexual abuse material detected using the indicators contained in the database of indicators referred to in Article 44(1), point (a);

Amendment

(m) ‘known child sexual abuse material’ means child sexual abuse material detected using the indicators contained in the database of indicators referred to in Article 44(1), point (a);

Or. en

Amendment 54

Proposal for a regulation

Article 2 – paragraph 1 – point q a (new)

Text proposed by the Commission

Amendment

(qa) ‘victim’ means:

Person residing in the European Union who being under 18 suffered child sexual abuse offences. For the purpose of exercising the victim’s rights recognised in this Regulation, parents and guardians are to be considered victims.

Or. en

Amendment 55

Proposal for a regulation

Article 2 – paragraph 1 – point r

Text proposed by the Commission

Amendment

(r) ‘recommender system’ means the

(r) ‘recommender system’ means the

system as defined in Article 2, point (o), of Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*;

system as defined in Article 3, point (s), of Regulation (EU) 2022/2065;

Or. en

Amendment 56

Proposal for a regulation

Article 2 – paragraph 1 – point t

Text proposed by the Commission

(t) ‘content moderation’ means the activities as defined in Article 2, point (p), of Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*;

Amendment

(t) ‘content moderation’ means the activities as defined in Article 3, point (t), of Regulation (EU) 2022/2065;

Or. en

Amendment 57

Proposal for a regulation

Article 2 – paragraph 1 – point v

Text proposed by the Commission

(v) ‘terms and conditions’ means terms and conditions as defined in Article 2, point (q), of Regulation (EU) .../... *[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*;

Amendment

(v) ‘terms and conditions’ means terms and conditions as defined in Article 3, point (u), of Regulation (EU) 2022/2065;

Or. en

Amendment 58

Proposal for a regulation

Article 2 – paragraph 1 – point w a (new)

Text proposed by the Commission

Amendment

(wa) ‘metadata’ means data processed for the purposes of transmitting,

distributing or exchanging content data; including data used to trace and identify the source and destination of a communication, data on the location and the date, time, duration and the type of communication;

Or. en

Amendment 59

Proposal for a regulation

Article 2 – paragraph 1 – point w b (new)

Text proposed by the Commission

Amendment

(wb) ‘hotline’ means an organisation officially recognised by its Member State of establishment that provides a mechanism, other than the reporting channels provided by law enforcement authorities, for receiving anonymous complaints from victims and the public about alleged child sexual abuse online.

Or. en

Amendment 60

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall identify, analyse and assess, for each such service that they offer, the risk of use of the service for the purpose of online child sexual abuse.

1. Providers of hosting services and providers of interpersonal communications services shall identify, analyse and assess, for each such service that they offer, the risk of use of the service for the purpose of online child sexual abuse. *To that end, providers subject to an obligation to conduct a risk assessment under Regulation (EU) 2022/2065 may draw on that risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse.*

Or. en

Amendment 61

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3

Text proposed by the Commission

— functionalities enabling age **verification**;

Amendment

— functionalities enabling age **assurance and age scoring, without prejudice to other mechanisms that enable age-verification, with particular consideration to the impacts of such measures on fundamental rights**;

Or. en

Amendment 62

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4

Text proposed by the Commission

— functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible and age-appropriate;

Amendment

— functionalities enabling users to flag **or notify** online child sexual abuse to the provider through tools that are easily accessible and age-appropriate, **including already available anonymous reporting channels as defined by Directive (EU) 2019/1937**;

Or. en

Amendment 63

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4a (new)

Text proposed by the Commission

Amendment

— **functionalities enabling age-appropriate parental controls**;

Or. en

Amendment 64

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4b (new)

Text proposed by the Commission

Amendment

— ***functionalities enabling self-reporting.***

Or. en

Amendment 65

Proposal for a regulation

Article 3 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the capacity, having regard to the state of the art, to meaningfully deal with reports and notifications about child sexual abuse in a timely manner;

Or. en

Amendment 66

Proposal for a regulation

Article 3 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the manner in which users use the service and the impact thereof on that risk;

(c) the manner in which users use the service and the ***negative*** impact thereof on that risk;

Or. en

Amendment 67

Proposal for a regulation

Article 3 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, and the impact thereof on that risk;

(d) the manner in which the provider designed and operates the service, including the business model, governance, ***type of users targeted***, and relevant systems and processes, and the ***negative*** impact thereof on that risk;

Amendment 68

Proposal for a regulation

Article 3 – paragraph 2 – point e – point i

Text proposed by the Commission

(i) the extent to which the service is used or is likely to be used by children;

Amendment

(i) the extent to which the service is used or is likely to be used by children ***and the extent to which the service is targeting child users;***

Or. en

Amendment 69

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 1 a (new)

Text proposed by the Commission

Amendment

— ***enabling unsolicited contact for users and, in particular, for adult users to engage and connect with unknown child users;***

Or. en

Amendment 70

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 2

Text proposed by the Commission

Amendment

— enabling users to establish contact with other users directly, in particular through private communications;

— enabling users to establish contact with other users directly, in particular ***on services directly targeting child users or*** through private communications;

Or. en

Amendment 71

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 3

Text proposed by the Commission

— enabling users to share ***images or videos*** with other users, in particular through private communications.

Amendment

— enabling users to share ***content*** with other users, in particular through private communications.

Or. en

Amendment 72

Proposal for a regulation

Article 3 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) any other functionalities.

Or. en

Amendment 73

Proposal for a regulation

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The provider, where applicable, shall assess, in a separate section of its risk assessment, the voluntary use of specific technologies for the processing of personal and other data to the extent strictly necessary to detect, to report and to remove online child sexual abuse material from its services.

Or. en

Amendment 74

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The provider may request the EU Centre to perform ***an analysis of representative, anonymized*** data samples ***to identify potential online child sexual abuse***, to

The provider may request the EU Centre to perform ***a test on*** data samples ***made available to the EU Centre*** to support the risk assessment.

support the risk assessment.

Neither the request referred to in the first subparagraph or any subsequent analysis that the EU Centre may perform thereunder shall exempt the provider from carrying out its obligation to conduct the risk assessment in accordance with paragraphs 1 and 2 of this Article or to comply with any other obligation set out in this Regulation.

Or. en

Amendment 75

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The costs incurred by the EU Centre for the performance of such an analysis shall be borne by the requesting provider. However, the EU Centre **shall** bear those costs where the provider is a micro, small or medium-sized enterprise, provided the request is reasonably necessary to support the risk assessment.

Amendment

The costs incurred by the EU Centre for the performance of such an analysis shall be borne by the requesting provider. However, the EU Centre **may** bear those costs where the provider is a micro, small or medium-sized enterprise, provided the request is reasonably necessary to support the risk assessment.

Or. en

Amendment 76

Proposal for a regulation

Article 3 – paragraph 4 – subparagraph 2 – point a

Text proposed by the Commission

(a) for a service which is subject to a detection order issued in accordance with Article 7, the provider shall update the risk assessment at the latest **two** months before the expiry of the period of application of the detection order;

Amendment

(a) for a service which is subject to a detection order issued in accordance with Article 7, the provider shall update the risk assessment at the latest **four** months before the expiry of the period of application of the detection order;

Or. en

Amendment 77

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall **take** reasonable mitigation measures, tailored to the risk identified pursuant to Article 3, **to minimise** that risk. Such measures shall include some or all of the following:

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall **put in place** reasonable, **proportionate, targeted and effective** mitigation measures, tailored to **their services and** the risk identified pursuant to Article 3, **with the aim of mitigating** that risk. Such measures shall include some or all of the following:

Or. en

Amendment 78

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision-making processes, the operation or functionalities of the service, or the content or enforcement of its terms and conditions;

Amendment

(a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision-making processes, the operation or functionalities of the service, or the content or enforcement of its terms and conditions, **including the speed, quality and effectiveness of processing notices and reports related to online child sexual abuse and, where appropriate, the expeditious removal of the content notified;**

Or. en

Amendment 79

Proposal for a regulation

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) adapting the design, features and functions of their services in order to ensure a high level of privacy, safety, and security by design and by default, in particular, for children;

Or. en

Amendment 80

Proposal for a regulation

Article 4 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) enabling age-appropriate parental control tools;

Or. en

Amendment 81

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article **19** of Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*** .

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, ***hotlines***, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article **22** of Regulation (EU) **2022/2065** .

Or. en

Amendment 82

Proposal for a regulation

Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) reinforcing awareness-raising measures and adapting their online interface for increased user information, including child-appropriate information targeted to the risk identified;

Or. en

Amendment 83

Proposal for a regulation

Article 4 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) enabling users to flag or notify online child sexual abuse to the provider through tools that are easily accessible and age-appropriate, including already anonymous reporting channels as defined by Directive (EU) 2019/1937;

Or. en

Amendment 84

Proposal for a regulation

Article 4 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) enabling safe self-reporting capabilities;

Or. en

Amendment 85

Proposal for a regulation

Article 4 – paragraph 1 – point c d (new)

Text proposed by the Commission

Amendment

(cd) including clearly visible and identifiable age rating information;

Amendment 86

Proposal for a regulation

Article 4 – paragraph 1 – point c e (new)

Text proposed by the Commission

Amendment

(ce) developing awareness systems to alert the users of any potential infringement of this Regulation;

Or. en

Amendment 87

Proposal for a regulation

Article 4 – paragraph 1 – point c f (new)

Text proposed by the Commission

Amendment

(cf) using any other measures in accordance with the current or future state of the art which are fit to mitigate the identified risk.

Or. en

Amendment 88

Proposal for a regulation

Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) effective in mitigating the identified risk;

(a) effective in mitigating the identified risk, *taking into account the characteristics of the service provided and the manner in which that service is used;*

Or. en

Amendment 89

Proposal for a regulation

Article 4 – paragraph 2 – point b

Text proposed by the Commission

(b) targeted and proportionate in relation to that risk, taking into account, in particular, the ***seriousness of the risk as well as the*** provider's financial and technological capabilities and the number of users;

Amendment

(b) targeted and proportionate in relation to that risk, taking into account, in particular, the provider's financial and technological capabilities and the number of users;

Or. en

Justification

"Seriousness" is an abstract and vague legal term. The risk has already been assessed and identified (risk assessment) by the providers.

Amendment 90

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary age ***verification and age assessment*** measures to reliably identify child users on their services, enabling them to take the mitigation measures.

Amendment

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary age ***assurance*** measures to reliably identify child users on their services, enabling them to take the mitigation measures.

Or. en

Amendment 91

Proposal for a regulation
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. On the basis of the separate risk assessment submitted in accordance with Article 3 (2a), providers may request the Coordinating Authority of establishment

to proceed in accordance with Article 5a based on the need of continuing, as part of their mitigation measures, to use specific technologies for the processing of personal and other data to the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the purpose of online child sexual abuse.

Or. en

Amendment 92

Proposal for a regulation

Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) any mitigation measures taken pursuant to Article 4.

Amendment

(b) any mitigation measures **both** taken **and requested** pursuant to Article 4.

Or. en

Amendment 93

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where necessary for that assessment, that Coordinating Authority may **require further information from the provider, within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than two weeks.**

Amendment

Where necessary for that assessment, that Coordinating Authority may:

Or. en

Justification

Moving Article 7.2 of the proposal here to reinforce the consultation and exchange of information between the provider and the coordinating authority prior to any decision pursuant to Article 7.

Amendment 94

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a) carry out the consultations with the provider that it may deem necessary to determine whether the requirements of Articles 3 and 4 have been met;

Or. en

Amendment 95

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1 – point b (new)

Text proposed by the Commission

Amendment

(b) require further information and clarification from the provider within a reasonable time period set by that Coordinating Authority which shall not be longer than two weeks;

Or. en

Amendment 96

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1 – point c (new)

Text proposed by the Commission

Amendment

(c) request the EU Centre, the competent data protection authorities, another public authority or relevant experts or entities to provide the necessary additional information.

Or. en

Amendment 97

Proposal for a regulation

Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where the requirements of Articles 3 and 4 are met, the Coordinating Authority shall issue a positive opinion which shall be taken into account prior to any decision pursuant to Article 7.

Or. en

Amendment 98

Proposal for a regulation Article 5 – paragraph 5

Text proposed by the Commission

Amendment

5. Providers shall, when transmitting the report to the Coordinating Authority of establishment ***in accordance with paragraph 1***, transmit the report also to the EU Centre.

5. Providers shall, when transmitting the report ***in accordance with paragraph 1 or further information in accordance with paragraph 3*** to the Coordinating Authority of establishment, transmit the report ***or further information*** also to the EU Centre.

Or. en

Amendment 99

Proposal for a regulation Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Voluntary detection order

1. Following the request of the provider under Article 4(4a) the Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue an order that authorizes the provider to maintain or implement mitigation measures that consist of using specific

technologies for the processing of personal and other data to the extent strictly necessary to detect, report and remove online child sexual abuse on their services.

2. Before submitting the request, that Coordinating Authority shall request and take into consideration the opinion of the competent data protection authority.

3. Taking into account this opinion and the assessment submitted by the provider under Article 3(2a), the Coordinating Authority shall have the power to propose to the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State the terms of authorisation for the provider to take measures specified in Article 10 to detect online child sexual abuse on a specific service.

4. The Coordinating Authority shall decide whether to proceed according to paragraph 3 no later than three months from the provider's request.

Or. en

Amendment 100

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) make reasonable efforts to assess, where possible together with the providers of software applications, whether each service offered through the software applications that they intermediate presents a risk of being used for the purpose of the solicitation of children;

deleted

Or. en

Amendment 101

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;

Amendment

(b) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children **or where:**

Or. en

Amendment 102

Proposal for a regulation

Article 6 – paragraph 1 – point b – point i (new)

Text proposed by the Commission

Amendment

i) the developer of the software application has informed the software application store that its terms and conditions of use do not permit child users,

Or. en

Amendment 103

Proposal for a regulation

Article 6 – paragraph 1 – point b – point ii (new)

Text proposed by the Commission

Amendment

ii) the software application has an appropriate age rating model in place, or

Or. en

Amendment 104

Proposal for a regulation

Article 6 – paragraph 1 – point b – point iii (new)

Text proposed by the Commission

Amendment

iii) the developer of the software application has requested the software application store not to allow child users to download its software applications.

Or. en

Amendment 105

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) take the necessary age **verification and age assessment** measures to reliably identify child users on their services, enabling them to take the measures referred to in point (b).

(c) take the necessary age **assurance** measures to reliably identify child users on their services, enabling them to take the measures referred to in point (b).

Or. en

Amendment 106

Proposal for a regulation

Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Encrypted services and metadata processing

- 1. Nothing in this Regulation shall be interpreted as prohibiting or weakening end-to-end encryption.**
- 2. On the basis of the risk assessment submitted and, where applicable, further information, the Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to authorise a provider of hosting services or a provider of interpersonal**

communications services to process metadata to the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the purpose of online child sexual abuse.

When assessing whether to request the processing of metadata, the Coordinating Authority shall take into account any interference with the rights to privacy and data protection of the users of the service that such a processing entails and determine whether, in that case, the processing of metadata would be effective in mitigating the risk of use of the service for the purpose of child sexual abuse, and that it is strictly necessary and proportionate.

3. Without prejudice to Regulation (EU) 2016/679, providers shall inform the users of such processing in their terms and conditions, including information on the possibility to submit complaints to the competent data processing authorities concerning the relevant processing and on the avenues for judicial redress.

Or. en

Amendment 107

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

Amendment

1. The Coordinating Authority of establishment shall have the power, ***when the requirements of Articles 3, 4, 5 or 5a have not been met***, to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to

detect online child sexual abuse on a specific service.

Or. en

Amendment 108

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment shall, ***before requesting*** the issuance of ***a*** detection order, ***carry out the investigations and assessments necessary to determine whether the*** conditions of ***paragraph 4*** have been met.

Amendment

The Coordinating Authority of establishment shall ***request*** the issuance of ***the*** detection order ***and the competent judicial authority or independent administrative authority shall issue the detection order where it considers that the following*** conditions ***are met:***

Or. en

Justification

For clarity purposes, moving Article 7.4 here and adding a new point (b).

Amendment 109

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a) there is evidence of a significant risk of the service being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;

Or. en

Amendment 110

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1 – point b (new)

Text proposed by the Commission

Amendment

(b) mitigation measures put in place

by the provider are not considered effective and proportionate to the risk of the misuse of the service offered or the service provider fails to conduct the risk assessment, the risk mitigation or the risk reporting obligations set out in this Regulation.

Or. en

Amendment 111

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The reasons for issuing the detection order shall outweigh negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties.

Or. en

Amendment 112

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

To that end, it may, where appropriate, require the provider to submit the necessary information, additional to the report and the further information referred to in Article 5(1) and (3), respectively, within a reasonable time period set by that Coordinating Authority, or request the EU Centre, another public authority or relevant experts or entities to provide the necessary additional information.

deleted

Or. en

Justification

Idea included in Article 5.3.

Amendment 113

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Where the Coordinating Authority of establishment takes the preliminary view that the conditions of paragraph 4 have been met, it shall:

Amendment

Where the Coordinating Authority of establishment takes the preliminary view that the conditions of paragraph 2 have been met, it shall:

Or. en

Amendment 114

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

Where, having regard to the comments of the provider and the opinion of the EU Centre, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 *have met, it shall re-submit the draft request, adjusted where appropriate, to the provider. In that case*, the provider shall do all of the following, within a reasonable time period set by that Coordinating Authority:

Amendment

Where, having regard to the comments of the provider and the opinion of the EU Centre, that Coordinating Authority continues to be of the view that the conditions of paragraph 2 *have been met*, the provider shall do all of the following, within a reasonable time period set by that Coordinating Authority, *which cannot exceed four weeks*:

Or. en

Amendment 115

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

(b) where the draft implementation plan concerns an intended detection order concerning the solicitation of children other than the renewal of a previously

Amendment

(b) where the draft implementation plan concerns an intended detection order concerning *new child sexual abuse material or* the solicitation of children

issued detection order without any substantive changes, conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

other than the renewal of a previously issued detection order without any substantive changes, conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

Or. en

Justification

Joint Opinion of the EDPB and the EDPS 04/2022 (point 104)

Amendment 116

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Where, having regard to the implementation plan of the provider and the opinion of the data protection authority, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall submit the request for the issuance of the detection, adjusted where appropriate, to the competent judicial authority or independent administrative authority. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request.

Amendment

Where, having regard to the implementation plan of the provider and the opinion of the data protection authority, that Coordinating Authority continues to be of the view that the conditions of paragraph 2 have met, it shall submit the request for the issuance of the detection, adjusted where appropriate, to the competent judicial authority or independent administrative authority. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request.

Or. en

Amendment 117

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent

Amendment

deleted

judicial authority or independent administrative authority shall issue the detection order where it considers that the following conditions are met:

(a) there is evidence of a significant risk of the service being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;

(b) the reasons for issuing the detection order outweigh negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties.

Or. en

Justification

Moved to Article 7.2.

Amendment 118

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – introductory part

Text proposed by the Commission

When assessing whether the conditions of *the first subparagraph* have been met, account shall be taken of all relevant facts and circumstances of the case at hand, in particular:

Amendment

When assessing whether the conditions of *paragraph 2* have been met, account shall be taken of all relevant facts and circumstances of the case at hand, in particular:

Or. en

Amendment 119

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point a

Text proposed by the Commission

(a) the risk assessment conducted or updated and any mitigation measures taken by the provider pursuant to Articles 3 and

Amendment

(a) the risk assessment conducted or updated and any mitigation measures taken by the provider pursuant to Articles 3 and

4, *including any mitigation measures introduced, reviewed, discontinued or expanded pursuant to Article 5(4) where applicable;*

4;

Or. en

Amendment 120

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) any additional information obtained pursuant to *paragraph 2 or any other relevant information available to it, in particular regarding the use, design and operation of the service, regarding the provider's financial and technological capabilities and size and regarding the potential consequences of the measures to be taken to execute the detection order for all other parties affected;*

(b) any additional information obtained pursuant to *Article 5(3) and (4) where applicable;*

Or. en

Amendment 121

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) the opinions of the EU Centre and of the data protection authority submitted in accordance with paragraph 3.

(d) the opinions of the EU Centre and of the data protection authority submitted in accordance with paragraph 3 *and, where applicable, the opinion of the Coordinating Authority issued in accordance with Article 5(4a).*

Or. en

Amendment 122

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 3

Text proposed by the Commission

As regards the second subparagraph, point (d), where that Coordinating Authority substantially deviates from the opinion of the EU Centre, it shall inform the EU Centre and the Commission thereof, specifying the points at which it deviated and the main reasons for the deviation.

Amendment

Where that Coordinating Authority substantially deviates from the opinion of the EU Centre ***or the data protection authorities***, it shall inform the EU Centre ***or the data protection authorities*** and the Commission thereof, specifying the points at which it deviated and the main reasons for the deviation.

Or. en

Amendment 123

Proposal for a regulation

Article 7 – paragraph 5 – introductory part

Text proposed by the Commission

5. As regards detection orders concerning the dissemination of known child sexual abuse material, the significant risk referred to in paragraph 4, ***first subparagraph, point (a)***, shall be deemed to exist where the following conditions are met:

Amendment

5. As regards detection orders concerning the dissemination of known child sexual abuse material, the significant risk referred to in paragraph 2 shall be deemed to exist where the following conditions are met:

Or. en

Amendment 124

Proposal for a regulation

Article 7 – paragraph 5 – point a

Text proposed by the Commission

(a) ***it is likely***, despite ***any*** mitigation measures that the provider ***may have*** taken ***or will take, that*** the service is used, to an appreciable extent for the dissemination of known child sexual abuse material;

Amendment

(a) despite ***the*** mitigation measures that the provider ***has*** taken the service is used to an appreciable extent for the dissemination of known child sexual abuse material;

Or. en

Amendment 125

Proposal for a regulation

Article 7 – paragraph 6 – introductory part

Text proposed by the Commission

6. As regards detection orders concerning the dissemination of new child sexual abuse material, the significant risk referred to in paragraph 4, **first subparagraph, point (a)**, shall be deemed to exist where the following conditions are met:

Amendment

6. As regards detection orders concerning the dissemination of new child sexual abuse material, the significant risk referred to in paragraph 2 shall be deemed to exist where the following conditions are met:

Or. en

Amendment 126

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 1 – introductory part

Text proposed by the Commission

As regards detection orders concerning the solicitation of children, the significant risk referred to in paragraph 4, **first subparagraph, point (a)**, shall be deemed to exist where the following conditions are met:

Amendment

As regards detection orders concerning the solicitation of children, the significant risk referred to in paragraph 2 shall be deemed to exist where the following conditions are met:

Or. en

Amendment 127

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 2

Text proposed by the Commission

The detection orders concerning the solicitation of children shall apply only to interpersonal communications **where one of the users is** a child user.

Amendment

The detection orders concerning the solicitation of children shall apply only to interpersonal communications **between** a child user **and an adult**.

Or. en

Amendment 128

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial or independent administrative authority when issuing the detection order, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, **first subparagraph, point (b)**, remain limited to what is strictly necessary to effectively address the significant risk referred to in point (a) thereof.

Amendment

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial or independent administrative authority when issuing the detection order, shall, ***in accordance with Article 8 of Regulation (EU) 2022/2065***, target and specify it in such a manner that the negative consequences referred to in paragraph 2 remain limited to what is strictly necessary, ***justifiable and proportionate*** to effectively address the significant risk referred to in point (a) thereof, ***and limit the detection order to an identifiable part or component of a service, such as a specific channel of communication or a specific group of users identified with particularity for which the significant risk has been identified.***

Or. en

Amendment 129

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3 – point a

Text proposed by the Commission

(a) where that risk is limited to an identifiable part or component of a service, the required measures are only applied in respect of that part or component;

Amendment

(a) where that risk is limited to an identifiable part or component of a service, the required measures are only applied ***to an identifiable part or component of a service, such as a specific channel of communication or a specific group of users identified with particularity for which the significant risk has been identified***, in respect of that part or component;

Or. en

Amendment 130

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

When the detection order becomes final, the competent judicial authority or independent administrative authority that issued the detection order shall, without undue delay, ***transmit a copy thereof to*** the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, ***transmit a copy thereof to*** all other Coordinating Authorities through the system established in accordance with Article 39(2).

Amendment

When the detection order becomes final, the competent judicial authority or independent administrative authority that issued the detection order shall, without undue delay, ***inform*** the Coordinating Authority of establishment ***thereof***. The Coordinating Authority of establishment shall then, without undue delay, ***inform*** all other Coordinating Authorities through the system established in accordance with Article 39(2).

Or. en

Amendment 131

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communication services that have received a detection order shall execute it by installing and operating technologies to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.

Amendment

1. Providers of hosting services and providers of interpersonal communication services that have received a detection order shall execute it by installing and operating ***available*** technologies to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.

Or. en

Amendment 132

Proposal for a regulation

Article 10 – paragraph 3 – point c

Text proposed by the Commission

(c) in accordance with the state of the art ***in the industry*** and the least intrusive in terms of the impact on the users' rights to private and family life, including the confidentiality of communication, and to protection of personal data;

Amendment

(c) in accordance with the state of the art and the least intrusive in terms of the impact on the users' rights to private and family life, including the confidentiality of communication, and to protection of personal data;

Or. en

Amendment 133

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) not able to weaken end-to-end encryption.

Or. en

Amendment 134

Proposal for a regulation

Article 10 – paragraph 4 – point e

Text proposed by the Commission

Amendment

(e) inform the Coordinating Authority, at the latest one month before the start date specified in the detection order, on the implementation of the envisaged measures set out in the implementation plan referred to in Article 7(3);

deleted

Or. en

Amendment 135

Proposal for a regulation

Article 10 – paragraph 4 – point f a (new)

Text proposed by the Commission

Amendment

(fa) ensure privacy by design and by

default and, where applicable, without hampering the integrity of encryption.

Or. en

Amendment 136

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

Amendment

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation ***and consulted the European Data Protection Board***, may issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

Or. en

Amendment 137

Proposal for a regulation Article 12 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where the provider submits a report pursuant to paragraph 1, it shall inform the user concerned, ***providing information on the main content of the report, on the manner in which the provider has become aware of the potential child sexual abuse concerned, on the follow-up given to the report insofar as such information is available to the provider and on the user's possibilities of redress, including on the right to submit complaints to the Coordinating Authority in accordance with Article 34.***

Amendment

Where the provider submits a report pursuant to paragraph 1, it shall inform the user concerned ***without undue delay, after Europol or the national law enforcement authority of a Member State that received the report pursuant to Article 48 has confirmed that the information to the users would not interfere with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.***

Or. en

Amendment 138

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The provider shall inform the user concerned without undue delay, either after having received a communication from the EU Centre indicating that it considers the report to be manifestly unfounded as referred to in Article 48(2), or after the expiry of a time period of three months from the date of the report without having received a communication from the EU Centre indicating that the information is not to be provided as referred to in Article 48(6), point (a), whichever occurs first.

deleted

Or. en

Amendment 139

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Where within the three months' time period referred to in the second subparagraph the provider receives such a communication from the EU Centre indicating that the information is not to be provided, it shall inform the user concerned, without undue delay, after the expiry of the time period set out in that communication.

deleted

Or. en

Amendment 140

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

3. The provider shall establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to flag to the provider potential online child sexual abuse on the service.

Amendment

3. The provider shall establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to flag ***or notify*** to the provider potential online child sexual abuse on the service, ***including self-reporting tools. Those mechanisms shall allow for anonymous reporting already available through anonymous reporting channels as defined by Directive (EU) 2019/1937.***

Or. en

Amendment 141

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

(c) all content data, ***including images, videos and text;***

Amendment

(c) all content data;

Or. en

Amendment 142

Proposal for a regulation

Article 13 – paragraph 1 – point f

Text proposed by the Commission

(f) ***information concerning the geographic location*** related to the potential online child sexual abuse, ***such as the Internet Protocol address;***

Amendment

(f) ***metadata*** related to the potential online child sexual abuse;

Or. en

Amendment 143

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Removal orders shall be addressed to providers of relevant information society services acting as recipient of the service in accordance with Regulation (EU) 2022/2065. As an exception, where content is stored or processed as part of an infrastructure provided by another provider of a relevant information society service, the removal order may be directly addressed to it where:

–(a) the recipient of the service cannot be identified despite reasonable efforts on the part of the Coordinating Authority; or

–(b) addressing the recipient of the service might be detrimental to an ongoing investigation.

Or. en

Amendment 144

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof.

Amendment

2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof, ***unless the removal order indicates a shorter period.***

Or. en

Amendment 145

Proposal for a regulation Article 14 – paragraph 3 – point e

Text proposed by the Commission

(e) an exact uniform resource ***locator*** and, where necessary, additional information for the identification of the child sexual abuse material;

Amendment

(e) an exact Uniform Resource ***Identifier*** and, where necessary, additional information for the identification of the child sexual abuse material;

Amendment 146**Proposal for a regulation****Article 15 – paragraph 2 – subparagraph 1***Text proposed by the Commission*

When the removal order becomes final, the competent judicial authority or independent administrative authority that issued the removal order shall, without undue delay, ***transmit a copy thereof to*** the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, ***transmit a copy thereof to*** all other Coordinating Authorities through the system established in accordance with Article 39(2).

Amendment

When the removal order becomes final, the competent judicial authority or independent administrative authority that issued the removal order shall, without undue delay, ***inform*** the Coordinating Authority of establishment ***thereof***. The Coordinating Authority of establishment shall then, without undue delay, ***inform the EU Centre and*** all other Coordinating Authorities through the system established in accordance with Article 39(2).

Or. en

Amendment 147**Proposal for a regulation****Article 16 – paragraph 1***Text proposed by the Commission*

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or an independent administrative authority of that Member State to issue a blocking order requiring a provider of internet access services under the jurisdiction of that Member State to take reasonable measures to prevent users from accessing known child sexual abuse material indicated by ***all*** uniform resource ***locators*** on the list of uniform resource ***locators*** included in the database of indicators, in accordance with Article 44(2), point (b) and provided by the EU Centre.

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or an independent administrative authority of that Member State to issue a blocking order requiring a provider of internet access services under the jurisdiction of that Member State to take reasonable measures to prevent users from accessing known child sexual abuse material indicated by ***any*** Uniform Resource ***Identifiers*** on the list of Uniform Resource ***Identifiers*** included in the database of indicators, in accordance with Article 44(2), point (b) and provided by the EU Centre.

Or. en

Amendment 148

Proposal for a regulation

Article 16 – paragraph 2 – subparagraph 2 – point a

Text proposed by the Commission

(a) verify that, in respect of all or a representative sample of the uniform resource **locators** on the list referred to in paragraph 1, the conditions of Article 36(1), point (b), are met, including by carrying out checks to verify in cooperation with the EU Centre that the list is complete, accurate and up-to-date;

Amendment

(a) verify that, in respect of all or a representative sample of the Uniform Resource **Identifiers** on the list referred to in paragraph 1, the conditions of Article 36(1), point (b), are met, including by carrying out checks to verify in cooperation with the EU Centre that the list is complete, accurate and up-to-date;

Or. en

Amendment 149

Proposal for a regulation

Article 16 – paragraph 2 – subparagraph 2 – point b

Text proposed by the Commission

(b) require the provider to submit, within a reasonable time period set by that Coordinating Authority, the necessary information, in particular regarding the accessing or attempting to access by users of the child sexual abuse material indicated by the uniform resource **locators**, regarding the provider's policy to address the risk of dissemination of the child sexual abuse material and regarding the provider's financial and technological capabilities and size;

Amendment

(b) require the provider to submit, within a reasonable time period set by that Coordinating Authority, the necessary information, in particular regarding the accessing or attempting to access by users of the child sexual abuse material indicated by the Uniform Resource **Identifier**, regarding the provider's policy to address the risk of dissemination of the child sexual abuse material and regarding the provider's financial and technological capabilities and size;

Or. en

Amendment 150

Proposal for a regulation

Article 16 – paragraph 2 – subparagraph 2 – point c

Text proposed by the Commission

(c) request the EU Centre to provide the necessary information, in particular

Amendment

(c) request the EU Centre to provide the necessary information, in particular

explanations and assurances regarding the accuracy of the uniform resource **locators** in indicating child sexual abuse material, regarding the quantity and nature of that material and regarding the verifications by the EU Centre and the audits referred to in Article 36(2) and Article 46(7), respectively;

explanations and assurances regarding the accuracy of the Uniform Resource **Identifier** in indicating child sexual abuse material, regarding the quantity and nature of that material and regarding the verifications by the EU Centre and the audits referred to in Article 36(2) and Article 46(7), respectively;

Or. en

Amendment 151

Proposal for a regulation

Article 16 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

(a) there is evidence of the service having been used during the past 12 months, to an appreciable extent, for accessing or attempting to access the child sexual abuse material indicated by the uniform resource **locators**;

Amendment

(a) there is evidence of the service having been used during the past 12 months, to an appreciable extent, for accessing or attempting to access the child sexual abuse material indicated by the Uniform Resource **Identifiers**;

Or. en

Amendment 152

Proposal for a regulation

Article 16 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

(c) the uniform resource **locators** indicate, in a sufficiently reliable manner, child sexual abuse material;

Amendment

(c) the Uniform Resource **Identifiers** indicate, in a sufficiently reliable manner, child sexual abuse material;

Or. en

Amendment 153

Proposal for a regulation

Article 17 – paragraph 1 – point a

Text proposed by the Commission

(a) the reference to the list of uniform resource **locators**, provided by the EU

Amendment

(a) the reference to the list of Uniform Resource **Identifiers**, provided by the EU

Centre, and the safeguards to be provided for, including the limits and safeguards specified pursuant to Article 16(5) and, where applicable, the reporting requirements set pursuant to Article 18(6);

Centre, and the safeguards to be provided for, including the limits and safeguards specified pursuant to Article 16(5) and, where applicable, the reporting requirements set pursuant to Article 18(6);

Or. en

Amendment 154

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. Providers of internet access services that have received a blocking order, as well as users who provided or were prevented from accessing a specific item of material indicated by the uniform resource *locators* in execution of such orders, shall have a right to effective redress. That right shall include the right to challenge the blocking order before the courts of the Member State of the competent judicial authority or independent administrative authority that issued the blocking order.

Amendment

1. Providers of internet access services that have received a blocking order, as well as users who provided or were prevented from accessing a specific item of material indicated by the Uniform Resource *Identifiers* in execution of such orders, shall have a right to effective redress. That right shall include the right to challenge the blocking order before the courts of the Member State of the competent judicial authority or independent administrative authority that issued the blocking order.

Or. en

Amendment 155

Proposal for a regulation Article 18 – paragraph 4 – introductory part

Text proposed by the Commission

4. Where a provider prevents users from accessing the uniform resource *locators* pursuant to a blocking order issued in accordance with Article 17, it shall take reasonable measures to inform the users of the following:

Amendment

4. Where a provider prevents users from accessing the Uniform Resource *Identifiers* pursuant to a blocking order issued in accordance with Article 17, it shall take reasonable measures to inform the users of the following:

Or. en

Amendment 156

Proposal for a regulation

Article 18 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The provider and the users referred to in paragraph 1 shall be entitled to request the Coordinating Authority that requested the issuance of the blocking order to assess whether users are wrongly prevented from accessing a specific item of material indicated by uniform resource ***locators*** pursuant to the blocking order. The provider shall also be entitled to request modification or revocation of the blocking order, where it considers it necessary due to substantial changes to the grounds for issuing the blocking orders that occurred after the issuance thereof, in particular substantial changes preventing the provider from taking the required reasonable measures to execute the blocking order,

Amendment

The provider and the users referred to in paragraph 1 shall be entitled to request the Coordinating Authority that requested the issuance of the blocking order to assess whether users are wrongly prevented from accessing a specific item of material indicated by Uniform Resource ***Identifiers*** pursuant to the blocking order. The provider shall also be entitled to request modification or revocation of the blocking order, where it considers it necessary due to substantial changes to the grounds for issuing the blocking orders that occurred after the issuance thereof, in particular substantial changes preventing the provider from taking the required reasonable measures to execute the blocking order,

Or. en

Amendment 157

Proposal for a regulation

Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Delisting orders

1. The Coordinating Authority of establishment shall have the power to issue a delisting order addressed to the provider of online search engines or any other artificial intelligence systems under the jurisdiction of that Member State, to take reasonable measures to delist a particular resource or resources indicating specific items of known child sexual abuse material, when the conditions set out in paragraph 3 are met.

2. *Before issuing an order under paragraph 1, the Coordinating Authority of establishment shall inform the provider of its intention specifying the main elements of the content of the delisting order and the reasons to delist a particular resource or resources. It shall afford the provider the opportunity to comment on that information, within a reasonable time period set by that Authority.*

3. *The Coordinating Authority of establishment shall issue a delisting order, where it considers that delisting is necessary to prevent the dissemination of child sexual abuse material to users in the Union, having regard to the need to protect the rights of the victims and to the existence and implementation by the provider of a policy to address the risk of such dissemination.*

Or. en

Amendment 158

Proposal for a regulation Article 18 b (new)

Text proposed by the Commission

Amendment

Article 18b

Additional rules regarding delisting orders

1. *The Coordinating Authority shall issue delisting orders as referred to in Article 18a using the template set out in Annex X. Delisting orders shall include:*

- (a) the name of the provider and, where applicable, its legal representative;*
- (b) where known, the specific service in respect of which the delisting order is issued;*
- (c) all the necessary details to properly identify the affected resource or resources;*

- (d) the start date of the delisting;*
- (e) a sufficiently detailed statement of reasons explaining the delisting order;*
- (f) a reference to this Regulation as the legal basis for delisting;*
- (g) the date, time stamp and electronic signature of the Coordinating Authority issuing the delisting order;*
- (h) easily understandable information about the redress available, including information about redress to a court and about the time periods applicable to such redress.*

2. The Coordinating Authority that issues the delisting order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

3. The Coordinating Authority shall transmit the delisting order to the provider's point of contact referred to in Article 23(1), to the Coordinating Authority of establishment and to the EU Centre, through the system established in accordance with Article 39(2).

4. The Coordinating Authority shall draft the delisting order in the languages declared by the provider pursuant to Article 23(3).

5. If the provider cannot execute the delisting order because it contains manifest errors or does not contain sufficient information for its execution, the provider shall, without undue delay, request the necessary clarification from the Coordinating Authority issuing the order, using the template set out in Annex X.

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to amend Annex X where necessary to improve the templates in view of relevant technological developments or practical

experiences gained.

Or. en

Amendment 159

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing, disabling of access to, blocking or reporting online child sexual abuse in accordance with those requirements.

Amendment

Providers of relevant information society services, shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing, disabling of access to, blocking, ***delisting from search results***, or reporting online child sexual abuse in accordance with those requirements.

Or. en

Amendment 160

Proposal for a regulation Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.

Amendment

Victims shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.

Or. en

Amendment 161

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 2

Text proposed by the Commission

That Coordinating Authority shall transmit the request to the EU Centre through the system established in accordance with Article 39(2) and shall communicate the results received from the EU Centre to the **person** making the request.

Amendment

That Coordinating Authority shall transmit the request to the EU Centre through the system established in accordance with Article 39(2) and shall communicate the results received from the EU Centre to the **victim** making the request.

Or. en

Amendment 162

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. Providers of **hosting** services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.

Amendment

1. Providers of **relevant information society** services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.

Or. en

Amendment 163

Proposal for a regulation

Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider **of hosting services** remove or disable access to one or more specific items of known

Amendment

To that end, victims shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider remove or disable access to one or more specific items of known child sexual abuse material

child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.

depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.

Or. en

Amendment 164

Proposal for a regulation

Article 21 – paragraph 3

Text proposed by the Commission

Amendment

3. *The requests referred to in paragraphs 1 and 2 shall indicate the relevant item or items of child sexual abuse material.*

deleted

Or. en

Amendment 165

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Providers of **hosting** services and providers of interpersonal communications services shall preserve the content data and other data processed in connection to the measures taken to comply with this Regulation and the personal data generated through such processing, only for one or more of the following purposes, as applicable:

Providers of **relevant information society** services and providers of interpersonal communications services shall preserve the content data and other data processed in connection to the measures taken to comply with this Regulation and the personal data generated through such processing, only for one or more of the following purposes, as applicable:

Or. en

Amendment 166

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

Amendment

1. Providers of relevant information

1. Providers of relevant information

society services shall establish a single point of contact allowing for direct communication, by electronic means, with the Coordinating Authorities, other competent authorities of the Member States, the Commission and the EU Centre, for the application of this Regulation.

society services shall establish a single point of contact allowing for direct communication, by electronic means, with the Coordinating Authorities, other competent authorities of the Member States, the Commission and the EU Centre, for the application of this Regulation. ***The single point of contact shall allow for direct communication with the users of the service for issues related to this Regulation.***

Or. en

Amendment 167

Proposal for a regulation

Article 26 – paragraph 2 – point c

Text proposed by the Commission

(c) are free from any external influence, whether direct or indirect;

Amendment

(c) are free from any ***undue*** external influence, whether direct or indirect;

Or. en

Amendment 168

Proposal for a regulation

Article 27 – paragraph 1 – point b

Text proposed by the Commission

(b) the power to carry out on-site inspections of any premises that those providers or the other persons referred to in point (a) use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement of this Regulation in any form, irrespective of the storage medium;

Amendment

(b) the power ***to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State*** to carry out on-site inspections of any premises that those providers or the other persons referred to in point (a) use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement of this Regulation in any form, irrespective of the storage medium;

Or. en

Amendment 169

Proposal for a regulation Article 27 – paragraph 2

Text proposed by the Commission

Amendment

2. *Member States may grant additional investigative powers to the Coordinating Authorities.*

deleted

Or. en

Amendment 170

Proposal for a regulation Article 28 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the power to impose fines, *or request a judicial authority in their Member State to do so*, in accordance with Article 35 for infringements of this Regulation, including non-compliance with any of the orders issued pursuant to Article 27 and to point (b) of this paragraph;

(c) the power to impose fines in accordance with Article 35 for infringements of this Regulation, including non-compliance with any of the orders issued pursuant to Article 27 and to point (b) of this paragraph;

Or. en

Amendment 171

Proposal for a regulation Article 28 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the power to impose a periodic penalty payment in accordance with Article 35 to ensure that an infringement of this Regulation is terminated in compliance with an order issued pursuant to point (b) of this paragraph *or for failure to comply with any of the orders issued pursuant to Article 27 and to point (b) of this paragraph*;

(d) the power to impose a periodic penalty payment in accordance with Article 35 to ensure that an infringement of this Regulation is terminated in compliance with an order issued pursuant to point (b) of this paragraph;

Or. en

Amendment 172

Proposal for a regulation

Article 28 – paragraph 1 – point e

Text proposed by the Commission

(e) the power to adopt interim measures to avoid the risk of serious harm.

Amendment

(e) the power to adopt ***appropriate, reasonable, and proportionate*** interim measures to avoid the risk of serious harm.

Or. en

Amendment 173

Proposal for a regulation

Article 28 – paragraph 2

Text proposed by the Commission

2. ***Member States may grant additional enforcement powers to the Coordinating Authorities.***

Amendment

deleted

Or. en

Amendment 174

Proposal for a regulation

Article 29 – title

Text proposed by the Commission

Additional enforcement ***powers***

Amendment

Additional enforcement ***measures***

Or. en

Amendment 175

Proposal for a regulation

Article 29 – paragraph 1 – introductory part

Text proposed by the Commission

1. ***Where needed for carrying out their tasks***, Coordinating Authorities shall have the additional enforcement ***powers referred to in paragraph 2***, in respect of providers of relevant information society

Amendment

1. Coordinating Authorities shall have the ***power to request*** additional enforcement ***measures***, in respect of providers of relevant information society services under the jurisdiction of the

services under the jurisdiction of the Member State that designated them, provided that:

Member State that designated them, provided that:

Or. en

Amendment 176

Proposal for a regulation

Article 29 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) all other powers pursuant to Articles 27 and 28 to bring about the cessation of an infringement of this Regulation have been exhausted;

deleted

Or. en

Amendment 177

Proposal for a regulation

Article 29 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Coordinating Authorities shall have the additional enforcement ***powers to take the following*** measures:

2. Coordinating Authorities shall have the ***power to request to the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State the following*** additional enforcement measures:

Or. en

Amendment 178

Proposal for a regulation

Article 29 – paragraph 2 – point b – introductory part

Text proposed by the Commission

Amendment

(b) request the competent judicial authority or independent administrative authority of the Member State that designated the Coordinating Authority to order the temporary restriction of access of

(b) order the temporary restriction of access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement

users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place, where the Coordinating Authority considers that:

takes place, where the Coordinating Authority considers that:

Or. en

Amendment 179

Proposal for a regulation Article 30 – title

Text proposed by the Commission

Common provisions on investigatory and enforcement **powers**

Amendment

Common provisions on investigatory and enforcement **measures**

Or. en

Amendment 180

Proposal for a regulation Article 33 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where a provider failed to appoint a legal representative in accordance with Article 24, all Member States shall have jurisdiction. Where a Member State decides to exercise jurisdiction under this subparagraph, it shall inform all other Member States and ensure that the principle of ne bis in idem is respected.

Amendment

Where a provider ***which does not have its main establishment in the Union*** failed to appoint a legal representative in accordance with Article 24, all Member States shall have jurisdiction. Where a Member State decides to exercise jurisdiction under this subparagraph, it shall inform all other Member States and ensure that the principle of ne bis in idem is respected.

Or. en

Amendment 181

Proposal for a regulation Article 34 – paragraph 1

Text proposed by the Commission

1. Users shall have the right to lodge a

Amendment

1. Users ***and any body, organisation***

complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State where the user resides or is established.

or association mandated to exercise the rights conferred by this Regulation on their behalf, shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State where the user resides or is established.

Or. en

Amendment 182

Proposal for a regulation Article 35 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily global turnover of the provider or the other person referred to in Article 27 in the preceding financial year per day, calculated from the date specified in the decision concerned.

Amendment

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily global turnover of the provider or the other person referred to in Article 27 **(1) (a)** in the preceding financial year per day, calculated from the date specified in the decision concerned.

Or. en

Amendment 183

Proposal for a regulation Article 35 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that penalties imposed for the infringement of this Regulation do not encourage the over reporting or the removal of material which does not constitute child sexual abuse material.

Or. en

Amendment 184

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) exact uniform resource **locators** indicating specific items of material that Coordinating Authorities or that competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material, hosted by providers of hosting services not offering services in the Union, that cannot be removed due to those providers' refusal to remove or disable access thereto and to the lack of cooperation by the competent authorities of the third country having jurisdiction, for the EU Centre to compile the list of uniform resource **locators** in accordance with Article 44(3).

Amendment

(b) exact Uniform Resource **Identifiers** indicating specific items of material that Coordinating Authorities or that competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material, hosted by providers of hosting services not offering services in the Union, that cannot be removed due to those providers' refusal to remove or disable access thereto and to the lack of cooperation by the competent authorities of the third country having jurisdiction, for the EU Centre to compile the list of Uniform Resource **Identifiers** in accordance with Article 44(3).

Or. en

Amendment 185

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive, without undue delay, the material identified as child sexual abuse material, the transcripts of conversations identified as the solicitation of children, and the uniform resource **locators**, identified by a competent judicial authority or other independent administrative authority than the Coordinating Authority, for submission to the EU Centre in accordance with the first subparagraph.

Amendment

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive, without undue delay, the material identified as child sexual abuse material, the transcripts of conversations identified as the solicitation of children, and the Uniform Resource **Identifiers**, identified by a competent judicial authority or other independent administrative authority than the Coordinating Authority, for submission to the EU Centre in accordance with the first subparagraph.

Or. en

Amendment 186

Proposal for a regulation Article 36 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that, where their law enforcement authorities receive a report of the dissemination of new child sexual abuse material or of the solicitation of children forwarded to them by the EU Centre in accordance with Article 48(3), a diligent assessment is conducted in accordance with paragraph 1 ***and, if the material or conversation is identified as constituting child sexual abuse material or as the solicitation of children, the Coordinating Authority submits the material to the EU Centre, in accordance with that paragraph, within one month from the date of reception of the report or, where the assessment is particularly complex, two months from that date.***

Amendment

3. Member States shall ensure that, where their law enforcement authorities receive a report of the dissemination of new child sexual abuse material or of the solicitation of children forwarded to them by the EU Centre in accordance with Article 48(3), a diligent assessment is conducted in accordance with paragraph 1.

Or. en

Amendment 187

Proposal for a regulation Article 38 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Coordinating Authorities may participate in joint investigations, which may be coordinated with the support of the EU Centre, of matters covered by this Regulation, concerning providers of relevant information society services that offer their services in several Member States.

Amendment

Coordinating Authorities ***shall share best practice standards and guidance on the detection and removal of child sexual abuse material and*** may participate in joint investigations, which may be coordinated with the support of the EU Centre, of matters covered by this Regulation, concerning providers of relevant information society services that offer their services in several Member States.

Or. en

Amendment 188

Proposal for a regulation Article 39 – paragraph 1

Text proposed by the Commission

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, the Commission, the EU Centre and other relevant Union agencies, including **Europol**, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

Amendment

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, the Commission, the EU Centre, **Europol** and other relevant Union agencies, including **the European Union Agency for Cybersecurity (ENISA)**, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

Or. en

Amendment 189

Proposal for a regulation Article 39 – paragraph 2

Text proposed by the Commission

2. The EU Centre shall establish and maintain one or more reliable and secure information sharing systems supporting communications between Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services.

Amendment

2. The EU Centre shall establish and maintain one or more reliable and secure information sharing systems supporting communications between Coordinating Authorities, the Commission, the EU Centre, **Europol, and** other relevant Union agencies, **including ENISA**, and providers of relevant information society services.

Or. en

Amendment 190

Proposal for a regulation Article 39 – paragraph 3

Text proposed by the Commission

3. The Coordinating Authorities, the Commission, the EU Centre, other relevant

Amendment

3. The Coordinating Authorities, the Commission, the EU Centre, **Europol**,

Union agencies and providers of relevant information society services shall use the information-sharing systems referred to in paragraph 2 for all relevant communications pursuant to this Regulation.

other relevant Union agencies, **including ENISA**, and providers of relevant information society services shall use the information-sharing systems referred to in paragraph 2 for all relevant communications pursuant to this Regulation.

Or. en

Amendment 191

Proposal for a regulation Article 40 – paragraph 2

Text proposed by the Commission

2. The EU Centre shall contribute to the achievement of the objective of this Regulation by supporting and facilitating the implementation of its provisions concerning the detection, reporting, removal or disabling of access to, **and** blocking of online child sexual abuse **and** gather and share information and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online.

Amendment

2. The EU Centre shall contribute to the achievement of the objective of this Regulation by supporting and facilitating the implementation of its provisions concerning the **prevention**, detection, reporting, removal or disabling of access to, blocking of online child sexual abuse **or delisting a particular resource indicating specific items of child sexual abuse material. The EU Centre shall** gather and share information and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online. **It shall promote and ensure the appropriate support and assistance to victims.**

Or. en

Amendment 192

Proposal for a regulation Article 42 – paragraph 1

Text proposed by the Commission

The seat of the EU Centre shall be **The Hague, The Netherlands**.

Amendment

The seat of the EU Centre shall be...

The choice of the location of the seat of the EU Centre shall be made in

accordance with the ordinary legislative procedure, based on the following criteria:

- (a) it shall not affect the EU Centre's execution of its tasks or the organisation of its governance structure;*
- (b) it shall ensure that the EU Centre is able to recruit the high-qualified and specialised staff it requires to perform the tasks provided by this Regulation;*
- (c) it shall ensure that it can be set up on site upon the entry into force of this Regulation;*
- (d) it shall ensure appropriate accessibility of the location, the existence of adequate education facilities for the children of staff members, appropriate access to the labour market, social security and medical care for both children and spouses;*
- (e) it shall ensure a balanced geographical distribution of EU institutions, bodies and agencies across the Union;*
- (f) it shall enable close cooperation with EU institutions, bodies and agencies;*
- (g) it shall ensure sustainability and digital security and connectivity with regards to physical and IT infrastructure and working conditions.*

Or. en

Amendment 193

Proposal for a regulation

Article 43 – paragraph 1 – point 4 – point d

Text proposed by the Commission

- (d) providing information and support to victims in accordance with Articles 20 and 21;

Amendment

- (d) providing information, **assistance** and support to victims in accordance with Articles 20 and 21;

Or. en

Amendment 194

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b a (new)

Text proposed by the Commission

Amendment

(ba) supporting the development and dissemination of age appropriate educational tools in order to enhance digital literacy and to raise awareness among users;

Or. en

Amendment 195

Proposal for a regulation

Article 44 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) indicators to detect the dissemination of child sexual abuse material previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1);

(a) indicators to **prevent and** detect the dissemination of child sexual abuse material previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1);

Or. en

Amendment 196

Proposal for a regulation

Article 44 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) indicators to detect the dissemination of child sexual abuse material not previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1);

(b) indicators to **prevent and** detect the dissemination of child sexual abuse material not previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1);

Or. en

Amendment 197

Proposal for a regulation

Article 44 – paragraph 1 – point c

Text proposed by the Commission

(c) indicators to detect the solicitation of children.

Amendment

(c) indicators to **prevent and** detect the solicitation of children.

Or. en

Amendment 198

Proposal for a regulation

Article 44 – paragraph 2 – point b

Text proposed by the Commission

(b) as regards paragraph 1, point (a), the relevant indicators shall include a list of uniform resource **locators** compiled by the EU Centre in accordance with paragraph 3;

Amendment

(b) as regards paragraph 1, point (a), the relevant indicators shall include a list of Uniform Resource **Identifiers** compiled by the EU Centre in accordance with paragraph 3;

Or. en

Amendment 199

Proposal for a regulation

Article 44 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The EU Centre shall compile the list of uniform resource **locators** referred to in paragraph 2, point (b), solely on the basis of the uniform resource **locators** submitted to it pursuant to Article 36(1), point (b).

Amendment

The EU Centre shall compile the list of Uniform Resource **Identifiers** referred to in paragraph 2, point (b), solely on the basis of the Uniform Resource **Identifiers** submitted to it pursuant to Article 36(1), point (b).

Or. en

Amendment 200

Proposal for a regulation

Article 44 – paragraph 4

Text proposed by the Commission

4. The EU Centre shall keep records of the submissions and of the process applied to generate the indicators and

Amendment

4. The EU Centre shall keep records of the submissions and of the process applied to generate the indicators and

compile the list referred to in the first and second subparagraphs. It shall keep those records for as long as the indicators, including the uniform resource *locators*, to which they correspond are contained in the databases of indicators referred to in paragraph 1.

compile the list referred to in the first and second subparagraphs. It shall keep those records for as long as the indicators, including the Uniform Resource *Identifiers*, to which they correspond are contained in the databases of indicators referred to in paragraph 1.

Or. en

Amendment 201

Proposal for a regulation

Article 45 – paragraph 2 – point g

Text proposed by the Commission

(g) relevant indicators and ancillary tags associated with the reported potential child sexual abuse material.

Amendment

(g) relevant indicators, *metadata*, and ancillary tags associated with the reported potential child sexual abuse material.

Or. en

Amendment 202

Proposal for a regulation

Article 46 – paragraph 2

Text proposed by the Commission

2. The EU Centre shall give *providers of hosting services, providers of interpersonal communications services and providers of internet access services* access to the databases of indicators referred to in Article 44, where and to the extent necessary for them to execute the detection *or* blocking orders that they received in accordance with Articles 7 *or* 16. *It* shall take measures to ensure that such access remains limited to what is strictly necessary for the period of application of the detection *or* blocking orders concerned and that such access does not in any way endanger the proper operation of those databases and the accuracy and security of the data contained therein.

Amendment

2. The EU Centre shall give *relevant information society* services providers access to the databases of indicators referred to in Article 44, where and to the extent necessary for them to execute the *voluntary* detection *orders, detection, blocking or delisting* orders that they received in accordance with Articles 5a, 7, 16 *or* 18a. *The EU Centre* shall take measures to ensure that such access remains limited to what is strictly necessary for the period of application of the *voluntary* detection *orders, detection, blocking or delisting* orders concerned and that such access does not in any way endanger the proper operation of those databases and the accuracy and security of the data contained therein.

Amendment 203

Proposal for a regulation Article 46 – paragraph 4

Text proposed by the Commission

4. The EU Centre shall give Europol and the competent law enforcement authorities of the Member States access to the databases of indicators referred to in Article 44 where and to the extent necessary for the performance of their tasks of investigating *suspected* child sexual abuse offences.

Amendment

4. The EU Centre shall give Europol and the competent law enforcement authorities of the Member States access to the databases of indicators referred to in Article 44 where and to the extent necessary for the performance of their tasks of investigating child sexual abuse offences.

Or. en

Amendment 204

Proposal for a regulation Article 46 – paragraph 5

Text proposed by the Commission

5. The EU Centre shall give Europol access to the databases of reports referred to in Article 45, where and to the extent necessary for the performance of its tasks of assisting investigations of *suspected* child sexual abuse offences

Amendment

5. The EU Centre shall give Europol access to the databases of reports referred to in Article 45, where and to the extent necessary for the performance of its tasks of assisting investigations of child sexual abuse offences

Or. en

Amendment 205

Proposal for a regulation Article 46 – paragraph 6 – subparagraph 1

Text proposed by the Commission

The EU Centre shall provide the access referred to in paragraphs 2, 3, 4 and 5 only upon the reception of a request, specifying the purpose of the request, the modalities of the requested access, and the degree of access needed to achieve that purpose. The

Amendment

The EU Centre shall provide the access referred to in paragraphs 2, 3, 4 and 5 only upon the reception of a request, specifying the purpose of the request, the modalities of the requested access, and the degree of access needed to achieve that purpose. The

requests for the access referred to in paragraph 2 shall also include a reference to the detection *order or the* blocking *order*, as applicable.

requests for the access referred to in paragraph 2 shall also include a reference to the *voluntary* detection *orders, detection, blocking or delisting orders*, as applicable.

Or. en

Amendment 206

Proposal for a regulation

Article 46 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The EU Centre shall diligently assess those requests and only grant access where it considers that the requested access is necessary for and proportionate to the specified purpose.

Amendment

The EU Centre shall diligently assess those requests and only grant access where it considers that the requested access is necessary for and proportionate to the specified purpose, *and in accordance with Union law*.

Or. en

Amendment 207

Proposal for a regulation

Article 46 – paragraph 7

Text proposed by the Commission

7. The EU Centre shall regularly verify that the data contained in the databases referred to in Articles 44 and 45 is, in all respects, complete, accurate and up-to-date and continues to be necessary for the purposes of reporting, detection and blocking in accordance with this Regulation, as well as facilitating and monitoring of accurate detection technologies and processes. In particular, as regards the uniform resource *locators* contained in the database referred to Article 44(1), point (a), the EU Centre shall, where necessary in cooperation with the Coordination Authorities, regularly verify that the conditions of Article 36(1), point (b), continue to be met. Those verifications shall include audits, where

Amendment

7. The EU Centre shall regularly verify that the data contained in the databases referred to in Articles 44 and 45 is, in all respects, complete, accurate and up-to-date and continues to be necessary for the purposes of reporting, detection and blocking in accordance with this Regulation, as well as facilitating and monitoring of accurate detection technologies and processes. In particular, as regards the Uniform Resource *Identifiers* contained in the database referred to Article 44(1), point (a), the EU Centre shall, where necessary in cooperation with the Coordination Authorities, regularly verify that the conditions of Article 36(1), point (b), continue to be met. Those verifications

appropriate. Where necessary in view of those verifications, it shall immediately complement, adjust or delete the data.

shall include audits, where appropriate. Where necessary in view of those verifications, it shall immediately complement, adjust or delete the data.

Or. en

Amendment 208

Proposal for a regulation Article 46 – paragraph 8

Text proposed by the Commission

8. The EU Centre shall ensure that the data contained in the databases referred to in Articles 44 and 45 is stored in a secure manner and that the storage is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the data can be accessed and processed only by duly authorised persons for the purpose for which the person is authorised and that a high level of security is achieved. The EU Centre shall regularly review those safeguards and adjust them where necessary.

Amendment

8. The EU Centre shall ensure that the data contained in the databases referred to in Articles 44 and 45 is stored in a secure manner and that the storage is subject to appropriate technical and organisational safeguards ***that ensure an effective supervision, especially in automated processing systems***. Those safeguards shall ensure, in particular, that the data can be accessed and processed only by duly authorised persons for the purpose for which the person is authorised and that a high level of security is achieved. The EU Centre shall regularly review those safeguards and adjust them where necessary. ***It shall maintain a record of processing activities as established in Article 30 of Regulation (EU) 2016/679 which, upon request, shall be made available to the EU Centre's data protection officer and to the European Data Protection Supervisor.***

Or. en

Amendment 209

Proposal for a regulation Article 47 – paragraph 1 – point b

Text proposed by the Commission

(b) the processing of the submissions by Coordinating Authorities, the generation of the indicators, the compilation of the list

Amendment

(b) the processing of the submissions by Coordinating Authorities, the generation of the indicators, the compilation of the list

of uniform resource *locators* and the record-keeping, referred to in Article 44(3);

of Uniform Resource *Identifiers* and the record-keeping, referred to in Article 44(3);

Or. en

Amendment 210

Proposal for a regulation Article 48 – paragraph 1

Text proposed by the Commission

1. The EU Centre shall expeditiously assess and process reports submitted by providers of hosting services and providers of interpersonal communications services in accordance with Article 12 to determine whether the reports are manifestly unfounded or *are to be forwarded*.

Amendment

1. The EU Centre shall expeditiously *and accurately* assess and process reports submitted by providers of hosting services and providers of interpersonal communications services in accordance with Article 12 to determine whether the reports are manifestly unfounded or *not*. *To that end, providers of hosting services and providers of interpersonal communications services shall make all the reasonable efforts to ensure the quality of the information submitted in accordance with Article 13, in order to facilitate an expeditious and accurate assessment and process.*

Or. en

Amendment 211

Proposal for a regulation Article 48 – paragraph 7

Text proposed by the Commission

7. The time periods referred to in *the first subparagraph*, points (a) and (b), shall be those specified in the competent law enforcement authority's request to the EU Centre, provided that they remain limited to what is necessary to avoid interference with the *relevant* activities and does not exceed 18 months.

Amendment

7. The time periods referred to in *paragraph 6*, points (a) and (b), shall be those specified in the competent law enforcement authority's request to the EU Centre, provided that they remain limited to what is necessary to avoid interference with the activities *for the prevention, detection, investigation, and prosecution of child sexual abuse offences* and does not exceed 18 months.

Amendment 212

Proposal for a regulation

Article 49 – paragraph 1 – introductory part

Text proposed by the Commission

1. The EU Centre shall have the power to conduct searches on hosting services for the dissemination of publicly accessible child sexual abuse material, using the relevant indicators from the database of indicators referred to in Article 44(1), points (a) and (b), in the following situations:

Amendment

1. The EU Centre shall have the power to conduct **targeted** searches on hosting services for the dissemination of publicly accessible child sexual abuse material, using the relevant indicators from the database of indicators referred to in Article 44(1), points (a) and (b), in the following situations:

Or. en

Amendment 213

Proposal for a regulation

Article 49 – paragraph 3

Text proposed by the Commission

3. Where so requested by a competent law enforcement authority of a Member State in order to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences, the EU Centre shall not **submit a notice**, for as long as necessary to avoid such interference but no longer than 18 months.

Amendment

3. Where so requested by a competent law enforcement authority of a Member State in order to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences, the EU Centre shall not **proceed according to paragraph 2**, for as long as necessary to avoid such interference but no longer than 18 months.

Or. en

Amendment 214

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Before including specific technologies on those lists, the EU Centre shall request the opinion of its Technology Committee and

Amendment

Before including specific technologies on those lists, the EU Centre shall request the opinion of its Technology Committee and,

of the European Data Protection Board. The Technology Committee and the European Data Protection Board shall deliver their respective opinions within eight weeks. That period may be extended by a further six weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay.

upon request of the Commission, the opinion of the European Data Protection Board. The Technology Committee and the European Data Protection Board shall deliver their respective opinions within eight weeks. That period may be extended by a further six weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay. *Where the EU Centre substantially deviates from those opinions, it shall inform the Technology Committee or the European Data Protection Board and the Commission thereof, specifying the points where it deviated and the main reasons for that deviation.*

Or. en

Justification

Joint Opinion of the EDPB and the EDPS 04/2022 (point 107 and 108)

Amendment 215

Proposal for a regulation

Article 50 – paragraph 2 – point c

Text proposed by the Commission

(c) information resulting from research or other activities conducted by Member States' authorities, other Union institutions, bodies, offices and agencies, the competent authorities of third countries, international organisations, research centres and civil society organisations.

Amendment

(c) information resulting from research or other activities conducted by Member States' authorities, other Union institutions, bodies, offices and agencies, the competent authorities of third countries, international organisations, research centres, **hotlines**, and civil society organisations.

Or. en

Amendment 216

Proposal for a regulation

Article 50 – paragraph 5

Text proposed by the Commission

5. The EU Centre shall develop a communication strategy and promote dialogue with civil society organisations **and providers of hosting or interpersonal communication** services to raise public awareness of online child sexual abuse and measures to prevent and combat such abuse.

Amendment

5. The EU Centre shall develop a communication strategy and promote dialogue **and cooperation** with civil society organisations, **public authorities, and relevant information society** services to raise public awareness of online child sexual abuse and measures to prevent and combat such abuse.

Or. en

Amendment 217

**Proposal for a regulation
Article 51 – paragraph 3**

Text proposed by the Commission

3. The EU Centre shall store the personal data referred to in paragraph 2 only where and for as long as strictly necessary for the applicable purposes listed in paragraph 2.

Amendment

3. The EU Centre shall store the personal data referred to in paragraph 2 only where and for as long as strictly necessary for the applicable purposes listed in paragraph 2. ***The maximum retention period for the storage of those data shall not exceed 24 months. After that period, the EU Centre shall review the necessity of continued storage of that data and provide justification for another 24 months maximum prolonged retention.***

Or. en

Justification

Joint Opinion of the EDPB and the EDPS 04/2022 (point 115)

Amendment 218

**Proposal for a regulation
Article 51 – paragraph 4**

Text proposed by the Commission

4. It shall ensure that the personal data is stored in a secure manner and that the storage is subject to appropriate technical

Amendment

4. It shall ensure that the personal data is stored in a secure manner and that the storage is subject to appropriate technical

and organisational safeguards. Those safeguards shall ensure, in particular, that the personal data can be accessed and processed only for the purpose for which it is stored, that a high level of security is achieved and that the personal data is deleted when no longer strictly necessary for the applicable purposes. It shall regularly review those safeguards and adjust them where necessary.

and organisational safeguards ***that ensure an effective supervision, especially in automated processing systems.*** Those safeguards shall ensure, in particular, that the personal data can be accessed and processed only for the purpose for which it is stored, that a high level of security is achieved and that the personal data is deleted when no longer strictly necessary for the applicable purposes. It shall regularly review those safeguards and adjust them where necessary. ***It shall maintain a record of processing activities as established in Article 30 of Regulation (EU) 2016/679 which, upon request, would be made available to the EU Centre's data protection officer and to the European Data Protection Supervisor.***

Or. en

Justification

Joint Opinion of the EDPB and the EDPS 04/2022 (point 116)

Amendment 219

Proposal for a regulation

Article 53 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Europol ***and*** the EU Centre ***shall provide each other with the fullest possible*** access to relevant information and information systems, where necessary for the performance of ***their respective*** tasks ***and in accordance with the acts of Union law regulating such*** access.

Amendment

Europol ***shall provide*** the EU Centre ***with*** access to relevant information and information systems, where ***deemed strictly*** necessary for the performance of ***the EU Centre's*** tasks. ***Any access to personal data processed in Europol's information systems shall be granted only on a case-by-case basis, upon submission of an explicit request, which documents the specific purpose, and justification. Europol should be required to diligently assess those requests and only transmit personal data to the EU Centre where strictly necessary and proportionate to the required purpose.***

The EU Centre shall provide Europol with access to relevant information and

information systems where deemed strictly necessary for the performance of Europol's tasks. That access and subsequent transmission of personal data obtained from the EU Centre's information systems should only take place on a case-by-case basis, following a duly assessed request, via an available secure exchange communication tool.

Or. en

Justification

Joint Opinion of the EDPB and the EDPS 04/2022 (point 127-133)

Amendment 220

Proposal for a regulation

Article 53 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Without prejudice to the responsibilities of the Executive Director, the EU Centre shall maximise efficiency by sharing **administrative** functions with Europol, **including functions relating to personnel management**, information technology (IT) **and budget implementation**.

Amendment

Without prejudice to the responsibilities of the Executive Director, the EU Centre shall maximise efficiency by sharing, **where possible, support** functions with Europol **and** information technology **services** (IT).

Or. en

Amendment 221

Proposal for a regulation

Article 54 – paragraph 1

Text proposed by the Commission

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre may cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations.

Amendment

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre may cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations **acting in the public interest** and semi-public organisations.

Amendment 222

Proposal for a regulation Article 56 – paragraph 4

Text proposed by the Commission

4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of combating child sexual abuse, taking into account ***relevant managerial, administrative and budgetary skills***. Member States shall appoint a representative of their Coordinating Authority, within four months of [date of entry into force of this Regulation]. All parties ***represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of its work***. All parties shall aim to achieve a balanced representation between men and women on the Management Board.

Amendment

4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of combating child sexual abuse, taking into account ***expertise and profesional records***. Member States shall appoint a representative of their Coordinating Authority, within four months of [date of entry into force of this Regulation]. All parties shall aim to achieve a balanced representation between men and women on the Management Board.

Amendment 223

Proposal for a regulation Article 56 – paragraph 5

Text proposed by the Commission

5. The term of office for members and their alternates shall be four years. That term may be renewed.

Amendment

5. The term of office for members and their alternates shall be four years. That term may be renewed ***only once for another four years term***.

Amendment 224

Proposal for a regulation Article 57 – title

Text proposed by the Commission

Amendment

Functions of the Management Board

Tasks of the Management Board

Or. en

Amendment 225

Proposal for a regulation

Article 57 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) adopt the draft Single Programming Document and transmit it for their opinions to the European Parliament, the Council and the Commission;

Or. en

Amendment 226

Proposal for a regulation

Article 57 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) adopt, by 30 November of each year, the Single Programming Document, and transmit it for information to the European Parliament, the Council and the Commission by 31 January the following year, as well as any other updated version of the document;

Or. en

Amendment 227

Proposal for a regulation

Article 57 – paragraph 1 – point a c (new)

Text proposed by the Commission

Amendment

(ac) adopt the annual budget of the EU Centre and exercise other tasks in respect of the EU Centre's budget;

Amendment 228

Proposal for a regulation

Article 57 – paragraph 1 – point a d (new)

Text proposed by the Commission

Amendment

(ad) assess and adopt a consolidated annual activity report on the EU Centre's activities, including an overview of the fulfilment of its tasks and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors and make the consolidated annual activity report public;

Or. en

Amendment 229

Proposal for a regulation

Article 57 – paragraph 1 – point a e (new)

Text proposed by the Commission

Amendment

(ae) adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented, an efficiency gains and synergies strategy with other Union decentralised agencies and bodies, a strategy for cooperation with third countries and/or international organisations, and a strategy for the organisational management and internal control systems;

Or. en

Amendment 230

Proposal for a regulation

Article 57 – paragraph 1 – point a f (new)

Text proposed by the Commission

Amendment

(af) exercise, with respect to the staff of the EU Centre, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment^{1a} ("the appointing authority powers");

^{1a} Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1)

Or. en

Amendment 231

Proposal for a regulation

Article 57 – paragraph 1 – point a g (new)

Text proposed by the Commission

Amendment

(ag) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110(2) of the Staff Regulations;

Or. en

Amendment 232

Proposal for a regulation

Article 57 – paragraph 1 – point a h (new)

Text proposed by the Commission

Amendment

(ah) appoint the Executive Director

and remove him or her from office, in accordance with Article 65;

Or. en

Amendment 233

Proposal for a regulation

Article 57 – paragraph 1 – point a i (new)

Text proposed by the Commission

Amendment

(ai) appoint an Accounting Officer, who may be the Commission's Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of his or her duties;

Or. en

Amendment 234

Proposal for a regulation

Article 57 – paragraph 1 – point a j (new)

Text proposed by the Commission

Amendment

(aj) adopt the financial rules applicable to the EU Centre;

Or. en

Amendment 235

Proposal for a regulation

Article 57 – paragraph 1 – point a k (new)

Text proposed by the Commission

Amendment

(ak) take all decisions on the establishment of the EU Centre's internal structures and, where necessary, their modification;

Or. en

Amendment 236

Proposal for a regulation

Article 57 – paragraph 1 – point a l (new)

Text proposed by the Commission

Amendment

(al) appoint a Data Protection Officer;

Or. en

Amendment 237

Proposal for a regulation

Article 57 – paragraph 1 – point a m (new)

Text proposed by the Commission

Amendment

(am) adopt internal guidelines further specifying the procedures for the processing of information in accordance with Article 51;

Or. en

Amendment 238

Proposal for a regulation

Article 57 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) appoint the members of the Technology Committee, and of any other advisory group it may establish;

(f) appoint the members of the Technology Committee, ***the Victims' Consultative Forum*** and of any other advisory group it may establish;

Or. en

Amendment 239

Proposal for a regulation

Article 59 – paragraph 3

Text proposed by the Commission

Amendment

3. The Management Board shall hold at least ***two*** ordinary meetings a year. In addition, it shall meet on the initiative of its

3. The Management Board shall hold at least ***four*** ordinary meetings a year. In addition, it shall meet on the initiative of its

Chairperson, at the request of the Commission, or at the request of at least one-third of its members.

Chairperson, at the request of the Commission, or at the request of at least one-third of its members.

Or. en

Amendment 240

Proposal for a regulation Article 59 – paragraph 4

Text proposed by the Commission

4. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer.

Amendment

4. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer ***on matters related to a specific item on the Management Board's agenda.***

Or. en

Amendment 241

Proposal for a regulation Article 59 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Management Board may invite the members of the Victims' Consultative Forum as observers on matters related to a specific item on the Management Board's agenda.

Or. en

Amendment 242

Proposal for a regulation Article 61 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Executive Board shall be composed of the Chairperson and the Deputy Chairperson of the Management Board, ***two*** other members appointed by the Management Board from among its members with the right to vote and two

Amendment

The Executive Board shall be composed of the Chairperson and the Deputy Chairperson of the Management Board, ***three*** other members appointed by the Management Board from among its members with the right to vote and two

representatives of the Commission to the Management Board. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board.

representatives of the Commission to the Management Board. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board.

Or. en

Amendment 243

Proposal for a regulation Article 61 – paragraph 2

Text proposed by the Commission

2. The term of office of members of the Executive Board shall be four years. ***In the course of the 12 months preceding the end of the four-year term of office of the Chairperson and five members of the Executive Board, the Management Board or a smaller committee selected among Management Board members including a Commission representative shall carry out an assessment of performance of the Executive Board. The assessment shall take into account an evaluation of the Executive Board members' performance and the EU Centre's future tasks and challenges. Based on the assessment, the Management Board may extend their term of office once.***

Amendment

2. The term of office of members of the Executive Board shall be four years.

Or. en

Amendment 244

Proposal for a regulation Article 62 – paragraph 1

Text proposed by the Commission

1. ***The Executive Board shall be responsible for the overall planning and the execution of the tasks conferred on the EU Centre pursuant to Article 43. The Executive Board shall adopt all the decisions of the EU Centre with the exception of the decisions that shall be taken by the Management Board in***

Amendment

deleted

accordance with Article 57.

Or. en

Amendment 245

Proposal for a regulation

Article 62 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. ***In addition***, the Executive Board shall have the following tasks:

2. The Executive Board shall have the following tasks:

Or. en

Amendment 246

Proposal for a regulation

Article 62 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) adopt, by 30 November of each year, on the basis of a proposal by the Executive Director, the draft Single Programming Document, and shall transmit it for information to the European Parliament, the Council and the Commission by 31 January the following year, as well as any other updated version of the document;

deleted

Or. en

Amendment 247

Proposal for a regulation

Article 62 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) adopt the draft annual budget of the EU Centre and exercise other functions in respect of the EU Centre's budget;

deleted

Or. en

Amendment 248

Proposal for a regulation

Article 62 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) *assess and adopt a consolidated annual activity report on the EU Centre's activities, including an overview of the fulfilment of its tasks and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors and make the consolidated annual activity report public;* *deleted*

Or. en

Amendment 249

Proposal for a regulation

Article 62 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) *adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented, an efficiency gains and synergies strategy, a strategy for cooperation with third countries and/or international organisations, and a strategy for the organisational management and internal control systems* *deleted*

Or. en

Amendment 250

Proposal for a regulation

Article 62 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) *exercise, with respect to the staff of the EU Centre, the powers conferred by the Staff Regulations on the Appointing* *deleted*

Authority and by the Conditions of Employment of Other Servants on the EU Centre Empowered to Conclude a Contract of Employment⁵¹ ("the appointing authority powers");

⁵¹ *Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1)*

Or. en

Amendment 251

Proposal for a regulation
Article 62 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110(2) of the Staff Regulations;

deleted

Or. en

Amendment 252

Proposal for a regulation
Article 62 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) appoint the Executive Director and remove him/her from office, in accordance with Article 65;

deleted

Or. en

Amendment 253

Proposal for a regulation

Article 62 – paragraph 2 – point j

Text proposed by the Commission

Amendment

(j) appoint an Accounting Officer, who may be the Commission's Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of his/her duties; **deleted**

Or. en

Amendment 254

Proposal for a regulation

Article 62 – paragraph 2 – point l

Text proposed by the Commission

Amendment

(l) adopt the financial rules applicable to the EU Centre; **deleted**

Or. en

Amendment 255

Proposal for a regulation

Article 62 – paragraph 2 – point m

Text proposed by the Commission

Amendment

(m) take all decisions on the establishment of the EU Centre's internal structures and, where necessary, their modification. **deleted**

Or. en

Amendment 256

Proposal for a regulation

Article 62 – paragraph 2 – point n

Text proposed by the Commission

Amendment

(n) appoint a Data Protection Officer; *deleted*

Or. en

Amendment 257

Proposal for a regulation

Article 62 – paragraph 2 – point o

Text proposed by the Commission

Amendment

(o) adopt internal guidelines further specifying the procedures for the processing of information in accordance with Article 51, after consulting the European Data Protection Supervisor; *deleted*

Or. en

Amendment 258

Proposal for a regulation

Article 62 – paragraph 2 – point p

Text proposed by the Commission

Amendment

(p) authorise the conclusion of memoranda of understanding referred to in Article 53(3) and Article 54(2). *deleted*

Or. en

Amendment 259

Proposal for a regulation

Article 62 – paragraph 2 – point p a (new)

Text proposed by the Commission

Amendment

(pa) decide on matters provided for in the financial rules adopted pursuant to Article 68 that are not reserved to the Management Board by this Regulation;

Or. en

Amendment 260

Proposal for a regulation

Article 62 – paragraph 2 – point p b (new)

Text proposed by the Commission

Amendment

(pb) ensure adequate follow-up to the findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of OLAF and of EPPO;

Or. en

Amendment 261

Proposal for a regulation

Article 62 – paragraph 2 – point p c (new)

Text proposed by the Commission

Amendment

(pc) without prejudice to the responsibilities of the Executive Director, as set out in Article 64, monitor and supervise the implementation of the decisions of the Management Board, with a view to reinforcing supervision of administrative and budgetary management.

Or. en

Amendment 262

Proposal for a regulation

Article 62 – paragraph 4

Text proposed by the Commission

Amendment

4. In exceptional circumstances, the Executive Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and any sub-delegation by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.

deleted

Amendment 263

Proposal for a regulation

Article 63 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The representatives of the Commission shall have a right to vote whenever matters pertaining to Article 62(2), points (a) to (l) and (p) are discussed and decided upon. For the purposes of taking the decisions referred to in Article 62(2), points (f) and (g), the representatives of the Commission shall have one vote each. The decisions referred to in Article 62(2), points (b) to (e), (h) to (l) and (p), may only be taken if the representatives of the Commission casts a positive vote. For the purposes of taking the decisions referred to in Article 62(2), point (a), the consent of the representatives of the Commission shall only be required on the elements of the decision not related to the annual and multi-annual working programme of the EU Centre.

deleted

Or. en

Amendment 264

Proposal for a regulation

Article 64 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without prejudice to the powers of the Commission, of the Management Board and of the Executive Board, the Executive Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government nor from any other body.

Or. en

Amendment 265

Proposal for a regulation

Article 64 – paragraph 4 – point p a (new)

Text proposed by the Commission

Amendment

(pa) authorise the conclusion of memoranda of understanding referred to in Article 53(3) and Article 54(2).

Or. en

Amendment 266

Proposal for a regulation

Article 65 – paragraph 2

Text proposed by the Commission

Amendment

2. The Executive Director shall be appointed by the **Executive** Board, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.

2. The Executive Director shall be appointed by the **Management** Board, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.

Or. en

Amendment 267

Proposal for a regulation

Article 65 – paragraph 3

Text proposed by the Commission

Amendment

3. For the purpose of concluding the contract with the Executive Director, the EU Centre shall be represented by the Chairperson of the **Executive** Board.

3. For the purpose of concluding the contract with the Executive Director, the EU Centre shall be represented by the Chairperson of the **Management** Board.

Or. en

Amendment 268

Proposal for a regulation

Article 65 – paragraph 4

Text proposed by the Commission

4. The term of office of the Executive Director shall be five years. ***Six months before the end of the Executive Director's term of office, the Commission shall complete an assessment that takes into account an evaluation of the Executive Director's performance and the EU Centre's future tasks and challenges.***

Amendment

4. The term of office of the Executive Director shall be five years.

Or. en

Amendment 269

**Proposal for a regulation
Article 65 – paragraph 5**

Text proposed by the Commission

5. The ***Executive*** Board, acting on a proposal from the Commission ***that takes into account the assessment referred to in paragraph 3,*** may extend the term of office of the Executive Director once, for no more than five years.

Amendment

5. The ***Management*** Board, acting on a proposal from the Commission may extend the term of office of the Executive Director once, for no more than five years.

Or. en

Amendment 270

**Proposal for a regulation
Article 65 – paragraph 6**

Text proposed by the Commission

6. An Executive Director whose term of office has been extended ***may*** not participate in another selection procedure for the same post at the end of the overall period.

Amendment

6. An Executive Director whose term of office has been extended ***shall*** not participate in another selection procedure for the same post at the end of the overall period.

Or. en

Amendment 271

**Proposal for a regulation
Article 65 – paragraph 7**

Text proposed by the Commission

7. The Executive Director may be dismissed only upon a decision of the **Executive** Board acting on a proposal from the Commission.

Amendment

7. The Executive Director may be dismissed only upon a decision of the **Management** Board acting on a proposal from the Commission.

Or. en

Amendment 272

**Proposal for a regulation
Article 65 – paragraph 8**

Text proposed by the Commission

8. The **Executive** Board shall take decisions on appointment, extension of the term of office or dismissal of the Executive Director by a majority of two-thirds of its members with voting rights.

Amendment

8. The **Management** Board shall take decisions on appointment, extension of the term of office or dismissal of the Executive Director by a majority of two-thirds of its members with voting rights.

Or. en

Amendment 273

**Proposal for a regulation
Article 66 a (new)**

Text proposed by the Commission

Amendment

Article 66a

Establishment and tasks of the Victims' Consultative Forum

1. The EU Centre shall establish a Consultative Forum to assist it by providing it with independent advice on victims related matters. The Consultative Forum will act upon request of the Management Board or the Executive Director.

2. The Consultative Forum shall consist of a maximum of fifteen members. Members of the Consultative Forum shall be appointed from victims of child sexual abuse and exploitation, both online and offline, as well as from representatives of

organisations acting in the public interest against child sexual abuse and promoting victims' rights. They shall be appointed by the Management Board following the publication of a call for expression of interest in the Official Journal of the European Union.

3. The mandates of members of the Consultative Forum shall be four years. Those mandates shall be renewable once.

4. The Consultative Forum shall:

a) provide the Management Board and the Executive Director with advice on matters related to victims;

b) contribute to the EU Centre communication strategy referred to in Article 50(5);

c) provide its opinion on the technologies used to detect online child sexual abuse regarding their relevance to the conditions in which child sexual abuse is committed;

d) maintain an open dialogue with the Management Board and the Executive Director on all matters related to victims, particularly on the protection of victims' rights.

Or. en

Amendment 274

Proposal for a regulation Article 69 – paragraph 4

Text proposed by the Commission

4. The EU Centre's expenditure shall include staff remuneration, administrative and infrastructure expenses, and operating costs.

Amendment

4. The EU Centre's expenditure shall include staff remuneration, administrative and infrastructure expenses, and operating costs, *including the operating costs of the Technology Committee, the Victims' Consultative Forum and of any other advisory group it may establish.*

Or. en

Amendment 275

Proposal for a regulation Article 77 – paragraph 2

Text proposed by the Commission

2. The processing of personal data by the EU Centre shall be subject to Regulation (EU) 2018/1725. The Management Board shall, within six months of the date of its first meeting, establish measures for the application of that Regulation by the EU Centre, including those concerning the appointment of a Data Protection Officer of the EU Centre. Those measures shall be established after consultation *of* the European Data Protection Supervisor.

Amendment

2. The processing of personal data by the EU Centre shall be subject to Regulation (EU) 2018/1725. The Management Board shall, within six months of the date of its first meeting, establish measures for the application of that Regulation by the EU Centre, including those concerning the appointment of a Data Protection Officer of the EU Centre. Those measures shall be established after consultation *with* the European Data Protection Supervisor.

Or. en

Amendment 276

Proposal for a regulation Article 83 – paragraph 3 – point b

Text proposed by the Commission

(b) the number of submissions of child sexual abuse material and solicitation of children referred to in Article 36(1), broken down by Member State that designated the submitting Coordinating Authorities, and, in the case of child sexual abuse material, the number of indicators generated on the basis thereof and the number of uniform resource *locators* included in the list of uniform resource *locators* in accordance with Article 44(3);

Amendment

(b) the number of submissions of child sexual abuse material and solicitation of children referred to in Article 36(1), broken down by Member State that designated the submitting Coordinating Authorities, and, in the case of child sexual abuse material, the number of indicators generated on the basis thereof and the number of Uniform Resource *Identifiers* included in the list of Uniform Resource *Identifiers* in accordance with Article 44(3);

Or. en

EXPLANATORY STATEMENT

The Rapporteur welcomes the European Commission's legislative proposal laying down rules to prevent and combat child sexual abuse. It is urgent to establish a long-term regulatory framework capable of giving an answer according to the magnitude of the problem: internet service providers in Europe are the largest hosts of child sexual abuse material in the world.

The rapporteur shares the need to migrate from a voluntary system to detect, report and take down child sexual abuse material to a mandatory one. The current Interim Regulation (Regulation (EU) 2021/1232) meant a remarkable progress in the legislative approach on tackling child sexual abuse online but it has been proven insufficient due to an uneven commitment or engagement on the side of the relevant information society services.

Likewise, he supports the approach based on the assessment conducted by each provider of the risks of their services being misused for the purpose of child sexual abuse. Previously introduced by the Digital Service Act (Regulation (EU) 2022/2065), the risk assessment should be the basis for reporting those risks and implementing the necessary measures to mitigate them.

The rapporteur also agrees that these rules should be laid down in a technology-neutral and a future-proof manner. Thus, providers will not be required to use any specific technology and, consequently, will not be asked to do what is not legally feasible or technologically viable according to the state of the art. This approach will definitely contribute and encourage innovation. It is crucial for the legislative framework to keep the pace of technological progress which will deliver new tools to prevent and combat online child sexual abuse.

A key guiding principle of the rapporteur's report, aligned with the Proposal, is the compliance with the prohibition of a general monitoring obligation enshrined in European legislation and case-law of the European Court of Justice. The rapporteur welcomes the set of safeguards introduced in the proposal and the EDPB-EDPS Joint Opinion 04/2022 as a major contribution which has been taken into account in the drafting of this report.

The rapporteur considers that end-to-end encryption is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. Consequently, nothing in this Regulation should be interpreted as prohibiting or weakening end-to-end encryption, while the Regulation remains open, where applicable, to existing and future technological developments.

To the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, providers should be authorised by the competent judicial authority or another independent administrative authority to process metadata that can detect suspicious patterns of behaviour without having access to the content of the encrypted communication.

Having stated the guiding principles of the rapporteur's report, the specific proposals of the rapporteur are listed below:

Regarding the scope of application, the rapporteur considers that it should cover online search

engines and any other artificial intelligence systems, both of which will be subject to delisting orders.

Concerning detection orders and its consequent detection obligations, the rapporteur is of the view that they should cover not only the dissemination of material previously detected and confirmed as constituting child sexual abuse material (known material), but also material not previously detected that is likely to constitute child sexual abuse material but has not yet been confirmed as such (new material), as well as activities constituting the solicitation of children (grooming). The Interim Regulation already covers the three instances of online child sexual abuse material. Limiting the scope of the child sexual abuse material covered by the Regulation would undoubtedly mean a setback in the fight against sexual abuse of minors.

The rapporteur is of the opinion that detection orders have to be a mechanism of last resort that might entail a negative reputational component for those providers who do not comply with the obligations established in the Regulation.

In order to stress detection orders as a mechanism of last resort, the rapporteur proposes reinforcing prevention as part of the mitigation measures to be taken by relevant society communication services. Mitigation measures may include targeted measures to protect the rights of the child, including safety and security design for children by default, functionalities enabling age assurance and age scoring, age-appropriate parental control tools, allowing flagging and/or notifying mechanisms, self-reporting functionalities, or participating in codes of conduct for protecting children.

The rapporteur puts forward the establishment of a complementary mechanism: voluntary detection orders. The voluntary detection orders will not only contribute to make mandatory detection orders a measure of last resort, but will also cover a possible gap between the entry into force and the effective application of the new Regulation.

Moreover, it needs to be taken into account that the Interim Regulation, which currently enables providers to continue lawful detection, reporting and removal of online child sexual abuse from their services on a voluntary basis, lapses on the 3rd of August 2024.

Consequently, the rapporteur proposes that, where applicable, providers should assess in their risk assessment, in a separate section, the voluntary use of specific technologies for the processing of personal data and other data to the extent strictly necessary to detect, report and remove online child sexual abuse on their services. Based on this separated assessment, providers may request to the competent Coordinating Authority the need of continuing, as part of their mitigation measures, using specific technologies for the processing of personal data and other data for this purposes. Following this request of the provider, the competent Coordinating Authority shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue an order that authorizes the provider to maintain or implement mitigation measures that consist of using specific technologies for the processing of personal and other data to the extent strictly necessary to detect, report and remove online child sexual abuse on their services.

The rapporteur welcomes and expresses his strong support for the creation of a European Union Agency to prevent and combat child sexual abuse, the EU Centre on Child Sexual

Abuse. He considers that a greater role has to be given to victims/survivors. Accordingly, the report proposes setting up a Victims' Consultative Forum. The rapporteur highlights the importance of the cooperation between authorities and civil society organizations acting in the public interest, including hotlines, whose contribution to the fight against child sexual abuse has to be acknowledge.

Regarding the seat of the EU Center, the rapporteur considers that it is necessary to align the provisions of the proposal with the recent case-law of the European Court of Justice. Additionally, the rapporteur has introduced some changes in the proposal to rebalance the tasks assigned to the Executive Director and the Management Board of the EU Centre.



2022/0155(COD)

30.5.2023

AMENDMENTS

277 - 544

Draft report

Javier Zarzalejos

(PE746.811v01-00)

Laying down rules to prevent and combat child sexual abuse

Proposal for a regulation

(COM(2022)0209 – C9-0174/2022 – 2022/0155(COD))

AM_Com_LegReport

Amendment 277
Rob Rooker
Proposal for a regulation
—

Proposal for rejection

***The European Parliament rejects the
Commission proposal (COM(2022)0209).***

Or. en

Justification

Withdraw this proposal for a Regulation and replace it with a proposal to tackle child sexual abuse online which has an appropriate legal basis, which is technically feasible, and which is not manifestly incompatible with the EU prohibition of general monitoring obligations.

Amendment 278
Clare Daly, Cornelia Ernst
Proposal for a regulation
—

Proposal for rejection

***The European Parliament rejects the
Commission proposal (COM(2022)0209).***

Or. en

Justification

Calls on the Commission to replace it with a proposal to tackle child sexual abuse online which has an appropriate legal basis; which is built on sustained engagement with child rights' specialists and in particular specialists on children's digital rights, human rights and digital rights groups more broadly, experts in cybersecurity and technology, and experts in internet regulation; which is technically feasible; and which is not manifestly incompatible with the Charter of Fundamental Rights and the EU prohibition of general monitoring obligations.

Amendment 279
Charlie Weimers, Cristian Terheş, Rob Rooker
Proposal for a regulation
—

Proposal for rejection

The European Parliament rejects the

Commission proposal (COM(2022)0209).

Or. en

Amendment 280

Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior
Proposal for a regulation

—

Proposal for rejection

***The European Parliament rejects the
Commission proposal (COM(2022)0209).***

Or. en

Justification

The complementary impact assessment of the proposal, requested by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs finds:(1) Weaknesses in the argumentation (problem definition) underpinning the CSA proposal;(2) The fact that the proposal targets known content, new content, and grooming, while the technologies to detect new content and grooming are of low accuracy (compared to the technologies to detect known CSAM). A majority of experts consulted consider that deploying the technologies to detect new CSAM and grooming will result in an increase in reported content and a reduction in accuracy, thereby substantially impacting law enforcement agencies' (LEAs) workload. The feasibility of the role of an EU centre in filtering reported content specifically to alleviate the burden on LEAs is questioned;(3) The fact that perpetrators that are keen to continue their activities and will likely resort to the dark and deep web where identification is more complicated to avoid being targeted by the measures introduced by the CSA proposal.(4) The detection of CSAM in end-to-end encryption (E2EE) raises fundamental issues with regards to the secure nature of E2EE, as it creates vulnerabilities for users of E2EE communication channels;(5) Weighing all the fundamental rights affected by the inclusion of the measures in the CSA proposal, it can be concluded that the CSA proposal would interfere with Articles 7 and 8 of the Charter of Fundamental Rights of the EU. This interference, by violating the prohibition on general data retention and the prohibition against general monitoring obligations, cannot be justified.

Amendment 281

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Title 1

Text proposed by the Commission

Amendment

Proposal for a
REGULATION OF THE EUROPEAN

Proposal for a
REGULATION OF THE EUROPEAN

PARLIAMENT AND OF THE COUNCIL
laying down rules to **prevent and combat**
child sexual abuse
(Text with EEA relevance)

PARLIAMENT AND OF THE COUNCIL
laying down rules to **address online** child
sexual abuse
(Text with EEA relevance)

Or. en

Justification

Aligned with title of Terrorist Content Online Regulation: „address“ is more realistic than claiming to be able to „prevent“ CSA; added „online“ to separate from the 2011 Directive that regulates criminal law and actual offline child sexual abuse.

Amendment 282
Sophia in 't Veld, Moritz Körner
Proposal for a regulation
Citation 1

Text proposed by the Commission

Having regard to the Treaty on the
Functioning of the European Union, and in
particular Article 114 thereof,

Amendment

Having regard to the Treaty on the
Functioning of the European Union, and in
particular Article **16 and Article** 114
thereof,

Or. en

Amendment 283
Annalisa Tardino
Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Information society services have become very important for communication, expression, gathering of information and many other aspects of present-day life, including for children but also for perpetrators of child sexual abuse offences. Such offences, which are subject to minimum rules set at Union level, are very serious criminal offences that need to be prevented and combated effectively in order to protect children's rights and well-being, as is required under the Charter of Fundamental Rights of the European Union ('Charter'), and to protect society at large. Users of such services offered in the Union

Amendment

(1) Information society services have become very important for communication, expression, gathering of information and many other aspects of present-day life, including for children but also for perpetrators of child sexual abuse offences. Such offences, which are subject to minimum rules set at Union level, are very serious criminal offences that **often cause long-lasting negative consequences on victims that** need to be prevented and combated effectively in order to protect children's rights and well-being, as is required under the Charter of Fundamental Rights of the European Union ('Charter'),

should be able to trust that the services concerned can be used safely, especially by children.

and also in order to avoid the risk of secondary victimisation and to protect society at large. Users of such services offered in the Union should be able to trust that the services concerned can be used safely, especially by children.

Or. en

Amendment 284
Maria Grapini
Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Serviciile societății informaționale au devenit foarte importante pentru comunicare, exprimare, colectarea de informații și multe alte aspecte ale vieții cotidiene, inclusiv pentru copii, dar și pentru autorii infracțiunilor de abuz sexual asupra copiilor. Aceste infracțiuni, care fac obiectul unor norme minime stabilite la nivelul Uniunii, constituie infracțiuni foarte grave care trebuie prevenite și combătute în mod eficace pentru a proteja drepturile și bunăstarea copiilor, astfel cum se prevede în Carta drepturilor fundamentale a Uniunii Europene („carta”), precum și pentru a proteja societatea în general. Utilizatorii acestor servicii oferite în Uniune **ar trebui** să poată avea încredere că serviciile în cauză pot fi utilizate în condiții de siguranță, în special de către copii.

Amendment

(1) Serviciile societății informaționale au devenit foarte importante pentru comunicare, exprimare, colectarea de informații și multe alte aspecte ale vieții cotidiene, inclusiv pentru copii, dar și pentru autorii infracțiunilor de abuz sexual asupra copiilor. Aceste infracțiuni, care fac obiectul unor norme minime stabilite la nivelul Uniunii, constituie infracțiuni foarte grave care trebuie prevenite și combătute în mod eficace pentru a proteja drepturile și bunăstarea copiilor, astfel cum se prevede în Carta drepturilor fundamentale a Uniunii Europene („carta”), precum și pentru a proteja societatea în general. Utilizatorii acestor servicii oferite în Uniune **trebuie să aibă siguranța că sunt protejați de orice tip de abuz sexual existent în mediul online astfel încât** să poată avea încredere că serviciile în cauză pot fi utilizate în condiții de siguranță, în special de către copii.

Or. ro

Amendment 285
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) *When using artificial intelligence algorithms on images, it is well documented that bias and discrimination can occur due to the lack of representativeness of certain population groups in the data used to train the algorithm. These biases should be identified, measured and eradicated in order for the detection systems to be truly profitable to society as a whole.*

Or. en

Amendment 286
Annika Bruna
Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1bis) *Précision faite que l'UE héberge plus de 60 % des images d'abus sexuels de mineurs qui circulent dans le monde et que 1 enfant sur 5 en Europe est victime de violence et d'abus sexuels, caractérisant l'urgence d'un règlement au sein de l'Union.*

Or. fr

Amendment 287
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) *The use of end-to-end encryption should be promoted and, where necessary, be mandatory in accordance with the principles of security and privacy by design. Member States should not impose any obligation on encryption*

providers, on providers of relevant information society services or on any other organisations with regard to any level of the supply chain that would result in the weakening of the security of their networks and services, such as bypassing authentication and accessing encrypted data or creating deliberate weaknesses by providers to allow for access to encrypted data.

Or. en

Amendment 288

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Recital 1 c (new)

Text proposed by the Commission

Amendment

(1c) End-to-end encryption is an important tool to guarantee the security and confidentiality of communications of users, including those of children. Any weakening of encryption could potentially be abused by malicious third parties. Nothing in this Regulation should therefore be interpreted as prohibiting or weakening end-to-end encryption.

Or. en

Amendment 289

Vincenzo Sofo, Charlie Weimers, Jadwiga Wiśniewska

Proposal for a regulation

Recital 2

Text proposed by the Commission

Amendment

(2) Given the central importance of relevant information society services, those aims can only be achieved by ensuring that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk

(2) Given the central importance of relevant information society services, those aims can only be achieved by ensuring that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk

of their services being misused for the purpose of child sexual abuse, those providers often being the only ones in a position to prevent and combat such abuse. The measures taken should be targeted, carefully balanced and proportionate, so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid imposing any excessive burdens on the providers of the services.

of their services being misused for the purpose of child sexual abuse, those providers often being the only ones in a position to prevent and combat such abuse. The measures taken should be targeted, carefully balanced and proportionate, so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid imposing any excessive burdens on the providers of the services. ***Considering the importance of the right to privacy, including the protection of personal data, as guaranteed by the Charter of Fundamental Rights, nothing in this regulation should be interpreted in a way that would enable future broad based mass surveillance.***

Or. en

Amendment 290

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Given the central importance of relevant information society services, those aims can only be achieved by ensuring that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk of their services being misused for the purpose of child sexual abuse, those providers often being ***the only ones*** in a position to prevent and combat such abuse. The measures taken should be targeted, carefully balanced ***and*** proportionate, so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under

Amendment

(2) Given the central importance of relevant information society services, those aims can only be achieved by ensuring that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk of their services being misused for the purpose of child sexual abuse, those providers often being in a position to prevent and ***to help*** combat such abuse. The measures taken should be targeted, carefully balanced, ***effective, evidence-based, proportionate, and subject to constant review***, so as to avoid any undue negative consequences ***for the fight against crime and*** for those who use the

Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid imposing any excessive burdens on the providers of the services.

services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid **directly or indirectly** imposing any excessive burdens on the providers of the services.

Or. en

Justification

It is never the case that information society service providers are the only ones in a position to prevent or combat abuse. Relying exclusively on profit-motivated private companies for investigation and prosecution of serious crimes, rather than the forces of law and order, is dangerous.

Amendment 291

Maria Grapini

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Având în vedere importanța fundamentală a serviciilor relevante ale societății informaționale, aceste obiective pot fi realizate numai prin asigurarea faptului că furnizorii care oferă astfel de servicii în Uniune se comportă în mod responsabil și iau măsuri rezonabile **pentru a** reduce la minimum riscul ca serviciile lor să fie utilizate în mod necorespunzător în scopul abuzului sexual asupra copiilor, respectivii furnizori fiind adesea singurii în măsură să prevină și să combată un astfel de abuz. Măsurile luate ar trebui să fie specifice, atent echilibrate și proporționale, astfel încât să se evite orice consecințe negative nejustificate asupra celor care utilizează serviciile în scopuri legale, în special în ceea ce privește exercitarea drepturilor lor fundamentale protejate în temeiul dreptului Uniunii, și anume cele consacrate în cartă și recunoscute ca principii generale ale dreptului Uniunii, și astfel încât să se evite impunerea oricăror poveri excesive furnizorilor de servicii.

Amendment

(2) Având în vedere importanța fundamentală a serviciilor relevante ale societății informaționale, aceste obiective pot fi realizate numai prin asigurarea faptului că furnizorii care oferă astfel de servicii în Uniune se comportă în mod responsabil și iau măsuri rezonabile, **care să confere o siguranță sporită utilizatorilor și să se asigure că vor** reduce la minimum riscul ca serviciile lor să fie utilizate în mod necorespunzător în scopul abuzului sexual asupra copiilor, respectivii furnizori fiind adesea singurii în măsură să prevină și să combată un astfel de abuz. Măsurile luate ar trebui să fie specifice, atent echilibrate și proporționale, astfel încât să se evite orice consecințe negative nejustificate asupra celor care utilizează serviciile în scopuri legale, în special în ceea ce privește exercitarea drepturilor lor fundamentale protejate în temeiul dreptului Uniunii, și anume cele consacrate în cartă și recunoscute ca principii generale ale dreptului Uniunii, și astfel încât să se evite

impunerea oricăror poveri excesive
furnizorilor de servicii.

Or. ro

Amendment 292
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Given the central importance of relevant information society services, those aims can only be achieved by ensuring that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk of their services being misused for the purpose of child sexual *abuse, those providers often being the only ones in a position to prevent and combat such* abuse. The measures taken should be targeted, carefully balanced and proportionate, so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid imposing any excessive burdens on the providers of the services.

Amendment

(2) Given the central importance of relevant information society services, those aims can only be achieved by ensuring that providers offering such services in the Union behave responsibly and take reasonable measures to minimise the risk of their services being misused for the purpose of child sexual abuse. The measures taken should be targeted, carefully balanced and proportionate, so as to avoid any undue negative consequences for those who use the services for lawful purposes, in particular for the exercise of their fundamental rights protected under Union law, that is, those enshrined in the Charter and recognised as general principles of Union law, and so as to avoid imposing any excessive burdens on the providers of the services.

Or. en

Amendment 293
Maria Grapini
Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Având în vedere importanța fundamentală a serviciilor relevante ale societății informaționale, aceste obiective pot fi realizate numai prin asigurarea faptului că furnizorii care oferă astfel de

Amendment

(2) Având în vedere importanța fundamentală a serviciilor relevante ale societății informaționale, aceste obiective pot fi realizate numai prin asigurarea faptului că furnizorii care oferă astfel de

servicii în Uniune se comportă în mod responsabil și iau măsuri rezonabile pentru a reduce la minimum riscul ca serviciile lor să fie utilizate în mod necorespunzător în scopul abuzului sexual asupra copiilor, respectivii furnizori fiind adesea singurii în măsură să prevină **și** să combată un astfel de abuz. Măsurile luate ar trebui să fie specifice, atent echilibrate și proporționale, astfel încât să se evite orice consecințe negative nejustificate asupra celor care utilizează serviciile în scopuri legale, în special în ceea ce privește exercitarea drepturilor lor fundamentale protejate în temeiul dreptului Uniunii, și anume cele consacrate în cartă și recunoscute ca principii generale ale dreptului Uniunii, și astfel încât să se evite impunerea oricăror poveri excesive furnizorilor de servicii.

servicii în Uniune se comportă în mod responsabil și iau măsuri rezonabile, **sigure și concrete** pentru a reduce la minimum riscul ca serviciile lor să fie utilizate în mod necorespunzător în scopul abuzului sexual asupra copiilor, respectivii furnizori fiind adesea singurii în măsură să prevină, să combată **și să raporteze** un astfel de abuz. Măsurile luate ar trebui să fie specifice, atent echilibrate și proporționale, astfel încât să se evite orice consecințe negative nejustificate asupra celor care utilizează serviciile în scopuri legale, în special în ceea ce privește exercitarea drepturilor lor fundamentale protejate în temeiul dreptului Uniunii, și anume cele consacrate în cartă și recunoscute ca principii generale ale dreptului Uniunii, și astfel încât să se evite impunerea oricăror poveri excesive furnizorilor de servicii.

Or. ro

Amendment 294
Annika Bruna
Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2bis) Il y a lieu de prévoir une solution à long-terme dans un cadre légal proportionné, dans lequel la technologie automatisée devrait être utilisée de manière sécurisée pour détecter l'exploitation sexuelle et les abus en ligne.

Or. fr

Amendment 295
Maria Grapini
Proposal for a regulation
Recital 3

Text proposed by the Commission

Amendment

(3) Tot mai frecvent, statele membre adoptă sau au în vedere să adopte legi

(3) Tot mai frecvent, statele membre adoptă sau au în vedere să adopte legi

naționale menite să prevină și să combată abuzul sexual online asupra copiilor, în special prin impunerea de cerințe furnizorilor de servicii relevante ale societății informaționale. Având în vedere caracterul intrinsec transfrontalier al internetului și al furnizării serviciului în cauză, respectivele legi naționale, care sunt divergente, au un efect negativ direct asupra pieței interne. Pentru a spori securitatea juridică, pentru a elimina obstacolele rezultate din calea furnizării serviciilor și pentru a se asigura condiții de concurență echitabile pe piața internă, ar trebui să se stabilească la nivelul Uniunii cerințele armonizate necesare.

naționale menite să prevină și să combată abuzul sexual online asupra copiilor, în special prin impunerea de cerințe furnizorilor de servicii relevante ale societății informaționale. Având în vedere caracterul intrinsec transfrontalier al internetului și al furnizării serviciului în cauză, respectivele legi naționale, care sunt divergente, au un efect negativ direct asupra pieței interne. Pentru a spori securitatea juridică, pentru a elimina obstacolele rezultate din calea furnizării serviciilor și pentru a se asigura condiții de concurență echitabile pe piața internă, ar trebui să se stabilească la nivelul Uniunii cerințele armonizate necesare, ***care să confere o siguranță sporită utilizatorilor de internet în ceea ce privește combaterea abuzului sexual on line asupra copiilor.***

Or. ro

Amendment 296
Annalisa Tardino
Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which diverge, have a ***direct*** negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the ***necessary*** harmonised requirements should be laid down at Union level.

Amendment

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse ***and more generally to safeguard minors online***, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which ***sometimes*** diverge, ***may*** have a negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the harmonised requirements should be laid down at Union level.

Amendment 297
Carles Puigdemont i Casamajó
Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which diverge, have a direct negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.

Amendment

(3) Member States **and regional authorities** are increasingly introducing, or are considering introducing, national **and regional** laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which diverge, **may** have a direct negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.

Amendment 298
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which diverge, have a direct negative effect on the internal market. To increase legal

Amendment

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which diverge, **may** have a direct negative effect on the internal market. To increase

certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.

legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.

Or. en

Amendment 299
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which diverge, have a direct negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.

Amendment

(3) Member States are increasingly introducing, or are considering introducing, national laws to prevent and combat online child sexual abuse, in particular by imposing requirements on providers of relevant information society services. In the light of the inherently cross-border nature of the internet and the service provision concerned, those national laws, which diverge, **may** have a direct negative effect on the internal market. To increase legal certainty, eliminate the resulting obstacles to the provision of the services and ensure a level playing field in the internal market, the necessary harmonised requirements should be laid down at Union level.

Or. en

Amendment 300
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is effective and that respects the

Amendment

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is effective and that respects the

fundamental rights of all parties concerned.
In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so as not to hamper innovation.

fundamental rights of all parties concerned.

Or. en

Amendment 301
Annalisa Tardino
Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is effective and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, *so as not to hamper innovation.*

Amendment

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is effective, ***proportionate and coherent with national legislations*** and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, ***in order to stimulate the development of innovative instruments to tackle child sexual abuse.***

Or. en

Amendment 302
Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari
Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is effective and that respects the

Amendment

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is effective, ***well targeted and***

fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so as not to hamper innovation.

proportionate and that respects the fundamental rights *and privacy* of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so as not to hamper innovation.

Or. en

Amendment 303

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is effective and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so as not to hamper *innovation*.

Amendment

(4) Therefore, this Regulation should contribute to the proper functioning of the internal market by setting out clear, uniform and balanced rules to prevent and combat child sexual abuse in a manner that is *demonstrably and durably* effective and that respects the fundamental rights of all parties concerned. In view of the fast-changing nature of the services concerned and the technologies used to provide them, those rules should be laid down in technology-neutral and future-proof manner, so as not to hamper *the fight against crime*.

Or. en

Amendment 304

Maria Grapini

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Prin urmare, prezentul regulament ar trebui să contribuie la buna funcționare a pieței interne prin stabilirea unor norme clare, uniforme și echilibrate de prevenire *și* combatere a abuzului sexual asupra copiilor într-un mod eficace și care să

Amendment

(4) Prin urmare, prezentul regulament ar trebui să contribuie la buna funcționare a pieței interne prin stabilirea unor norme clare, uniforme și echilibrate de prevenire, combatere *și raportare* a abuzului sexual asupra copiilor într-un mod eficace și care

respecte drepturile fundamentale ale tuturor părților în cauză. Având în vedere caracterul dinamic al serviciilor în cauză și tehnologiile utilizate pentru furnizarea acestora, respectivele norme ar trebui stabilite într-un mod neutru din punct de vedere tehnologic și adaptat exigențelor viitorului, astfel încât să nu împiedice inovarea.

să respecte drepturile fundamentale ale tuturor părților în cauză. Având în vedere caracterul dinamic al serviciilor în cauză și tehnologiile utilizate pentru furnizarea acestora, respectivele norme ar trebui stabilite într-un mod neutru din punct de vedere tehnologic și adaptat exigențelor viitorului, astfel încât să nu împiedice inovarea.

Or. ro

Amendment 305
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) To ensure full achievement of the objectives of this Regulation, Member States should introduce and implement prevention strategies and awareness campaigns in their schools and educational institutions. The EU Centre and Coordinating Authorities, in close cooperation with relevant stakeholders, such as law enforcement agencies and existing hotlines across the Union, should elaborate prevention techniques, in order to prevent and combat child sexual abuse. It is important that digital skills and competences, including media literacy, are recognised as a mandatory skill and an essential part of education, focusing on educating children, parents and educators and the general public on online safety, including online parental control and how to recognize and report online solicitation. The Union and its Member States should allocate more investment in education and training to ensure digital literacy, including protection from bullying and cyberbullying in schools, for children of different age groups.

Or. en

Amendment 306
Annika Bruna
Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4bis) La protection des enfants en ligne ne doit pas exclure le respect de la vie privée de l'utilisateur. La proposition ne doit pas imposer une obligation de contrôle de nature générale mais un contrôle dans des cas spécifiques dépendant du risque encouru.

Or. fr

Amendment 307
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 5

Text proposed by the Commission

Amendment

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available interpersonal communications services, ***such as messaging services and web-based e-mail services, in so far as those service as publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming, image-sharing and video-hosting are equally at risk of misuse, they should also be covered by this Regulation. However, given the inherent differences between the various relevant information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and***

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available ***number independent*** interpersonal communications services.

varying ability of the providers concerned to prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in an appropriate manner.

Or. en

Amendment 308

Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Karen Melchior

**Proposal for a regulation
Recital 5**

Text proposed by the Commission

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those service as publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming, image-sharing and video-hosting are equally at risk of misuse, they should also be covered by this Regulation. However, given the inherent differences between the various relevant information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and varying ability of the providers concerned to prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in an appropriate manner.

Amendment

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those service as publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming, image-sharing and video-hosting are equally at risk of misuse, they should also be covered by this Regulation. ***Online search engines and other artificial intelligence services should also be covered.*** However, given the inherent differences between the various relevant information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and varying ability of the providers concerned to prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in an appropriate ***and targeted*** manner. ***Considering the***

fundamental importance of the right to respect for private life and the right to protection of personal data, as guaranteed by the Charter of Fundamental Rights, nothing in this regulation should be interpreted as prohibiting or compromising the integrity and confidentiality of end-to-end encrypted content and communications.

Or. en

Justification

The integrity and confidentiality of end-to-end encrypted content and communications are essential for the confidentiality of digital correspondence and hence a prerequisite for the right to respect for private and family life and the right to protection of personal data as enshrined in Articles 7 and 8 of the Charter of the Fundamental Rights of the European Union (2000/C364/01). Client-side scanning with side-channel leaks is an example of a practice that, while not necessarily 'weakening' the end-to-end encryption, still puts the integrity and confidentiality of the end-to-end encrypted content and communications at risk.

Amendment 309

Annalisa Tardino

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those service as publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming, image-sharing and video-hosting are equally at risk of misuse, they should also be covered by this Regulation. However, given the inherent differences between the various relevant

Amendment

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those service as publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming, image-sharing and video-hosting are equally at risk of misuse, they should also be covered by this Regulation. However, given the inherent differences between the various relevant

information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and varying ability of the providers concerned to prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in an appropriate manner.

information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and varying ability of the providers concerned to prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in an appropriate manner ***without lowering child protection standards.***

Or. en

Amendment 310

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that ***have the potential to be*** misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services ***should*** include publicly available interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those ***service*** ***as*** publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming, image-sharing and video-hosting are ***equally*** at risk of misuse, they should also be covered by this Regulation. However, given the inherent differences between the various relevant information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and varying ability of the providers concerned to prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in

Amendment

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that ***are*** misused ***to a significant extent*** for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services ***could*** include publicly available ***number-independent*** interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those ***services*** ***are*** publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming, image-sharing and video-hosting are ***also*** at risk of misuse, they should also be covered by this Regulation. However, given the inherent differences between the various relevant information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and varying ability of the providers concerned to prevent and combat such abuse, the obligations imposed on the providers of

an appropriate manner.

those services should be differentiated in an appropriate manner.

Or. en

Justification

It is illogical to refer to varying risks and equal risks when referring to the same range of services.

Amendment 311

Rob Rooker

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those service as publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming, image-sharing and video-hosting are equally at risk of misuse, they should also be covered by this Regulation. However, given the inherent differences between the various relevant information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and varying ability of the providers concerned to prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in an appropriate manner.

Amendment

(5) In order to achieve the objectives of this Regulation, it should cover providers of services that have the potential to be misused for the purpose of online child sexual abuse. As they are increasingly misused for that purpose, those services should include publicly available ***number independent*** interpersonal communications services, such as messaging services and web-based e-mail services, in so far as those service as publicly available. As services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service, such as chat and similar functions as part of gaming, image-sharing and video-hosting are equally at risk of misuse, they should also be covered by this Regulation. However, given the inherent differences between the various relevant information society services covered by this Regulation and the related varying risks that those services are misused for the purpose of online child sexual abuse and varying ability of the providers concerned to prevent and combat such abuse, the obligations imposed on the providers of those services should be differentiated in an appropriate manner.

Or. en

Amendment 312
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) Online child sexual abuse frequently involves the misuse of information society services offered in the Union by providers established in third countries. In order to ensure the effectiveness of the rules laid down in this Regulation ***and a level playing field within the internal market***, those rules should apply to all providers, irrespective of their place of establishment or residence, that offer services in the Union, as evidenced by a substantial connection to the Union.

Amendment

(6) Online child sexual abuse frequently involves the misuse of information society services offered in the Union by providers established in third countries. In order to ensure the effectiveness of the rules laid down in this Regulation, those rules should apply to all providers, irrespective of their place of establishment or residence, that offer services in the Union, as evidenced by a substantial connection to the Union.

Or. en

Amendment 313
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) Online child sexual abuse ***frequently involves*** the misuse of information society services offered in the Union by providers established in third countries. In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing field within the internal market, those rules should apply to all providers, irrespective of their place of establishment or residence, that offer services in the Union, as evidenced by a substantial connection to the Union.

Amendment

(6) Online child sexual abuse ***can also involve*** the misuse of information society services offered in the Union by providers established in third countries. In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing field within the internal market, those rules should apply to all providers, irrespective of their place of establishment or residence, that offer services in the Union, as evidenced by a substantial connection to the Union.

Or. en

Amendment 314
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) This Regulation should be without prejudice to the rules resulting from other Union acts, in particular Directive 2011/93 of the European Parliament and of the Council³⁸, Directive 2000/31/EC of the European Parliament and of the Council³⁹ and Regulation (EU) .../... of the European Parliament and of the Council⁴⁰ [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC], Directive 2010/13/EU of the European Parliament and of the Council⁴¹, Regulation (EU) 2016/679 of the European Parliament and of the Council⁴², and Directive 2002/58/EC of the European Parliament and of the Council⁴³.

³⁸ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

³⁹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

⁴⁰ Regulation (EU) .../... of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L).

⁴¹ Directive 2010/13/EU of the European Parliament and of the Council of 10 March

Amendment

(7) This Regulation should be without prejudice to the rules resulting from other Union acts, in particular Directive 2011/93 of the European Parliament and of the Council³⁸, Directive 2000/31/EC of the European Parliament and of the Council³⁹ and Regulation (EU) **2022/2065** of the European Parliament and of the Council⁴⁰ [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC], Directive 2010/13/EU of the European Parliament and of the Council⁴¹, Regulation (EU) 2016/679 of the European Parliament and of the Council⁴², and Directive 2002/58/EC of the European Parliament and of the Council⁴³.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

³⁸ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

³⁹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).

⁴⁰ Regulation (EU) **2022/2065** of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L).

⁴¹ Directive 2010/13/EU of the European Parliament and of the Council of 10 March

2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media service (OJ L 95, 15.4.2010, p. 1).

⁴² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

⁴³ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector ('Directive on privacy and electronic communications') (OJ L 201, 31.7.2002, p. 37).

2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media service (OJ L 95, 15.4.2010, p. 1).

⁴² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

⁴³ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector ('Directive on privacy and electronic communications') (OJ L 201, 31.7.2002, p. 37).

Or. en

Amendment 315
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Article 15(1) of Directive 2002/58/EC allows Member States to adopt legislative measures to restrict the scope of the rights and obligations provided for in certain specific provisions of that Directive relating to the confidentiality of communications when such restriction constitutes a necessary, appropriate and proportionate measure within a democratic society, inter alia, to prevent, investigate, detect and prosecute criminal offences, provided certain conditions are met, including compliance with the Charter. Applying the requirements of that provision by analogy, this Regulation should limit the exercise of the rights and obligations provided for in Articles 5(1), (3) and 6(1)

Amendment

deleted

of Directive 2002/58/EC, insofar as strictly necessary to execute detection orders issued in accordance with this Regulation with a view to prevent and combat online child sexual abuse.

Or. en

Amendment 316

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Article 15(1) of Directive 2002/58/EC allows Member States to adopt legislative measures to restrict the scope of the rights and obligations provided for in certain specific provisions of that Directive relating to the confidentiality of communications when such restriction constitutes a necessary, appropriate and proportionate measure within a democratic society, inter alia, to prevent, investigate, detect and prosecute criminal offences, provided certain conditions are met, including compliance with the Charter. Applying the requirements of that provision by analogy, this Regulation should limit the exercise of the rights and obligations provided for in Articles 5(1), (3) and 6(1) of Directive 2002/58/EC, insofar as strictly necessary to execute detection orders issued in accordance with this Regulation with a view to prevent and combat online child sexual abuse.

Amendment

(9) Article 15(1) of Directive 2002/58/EC allows Member States to adopt legislative measures to restrict the scope of the rights and obligations provided for in certain specific provisions of that Directive relating to the confidentiality of communications when such restriction constitutes a necessary, appropriate and proportionate measure within a democratic society, inter alia, to prevent, investigate, detect and prosecute criminal offences, provided certain conditions are met, including compliance with the Charter, ***which, inter alia, requires the specific measures to be provided for by law and genuinely achieve objectives of general interest.*** Applying the requirements of that provision by analogy, this Regulation should limit the exercise of the rights and obligations provided for in Articles 5(1), (3) and 6(1) of Directive 2002/58/EC, insofar as strictly necessary ***in line with Article 52 of the Charter,*** to execute detection orders issued in accordance with this Regulation with a view to prevent and combat online child sexual abuse.

Or. en

Amendment 317

Cornelia Ernst, Clare Daly

Proposal for a regulation

Recital 9 a (new)

(9a) Encryption, and especially end-to-end encryption, is an increasingly important tool to guarantee the security and confidentiality of the communications of all users, including children. Any restrictions or undermining of any kind of encryption, de jure or de facto, can be used and abused by malicious third parties. Nothing in this Regulation should be interpreted as prohibiting providers of information society services from using any kind of encryption on any part of their services, restricting or, undermining or bypassing such encryption in the sense of being detrimental to users' expectations of confidential and secure communication services. Providers of information society services should under no circumstances be prevented from providing their services using the highest standards of encryption, considering that such encryption is essential for trust in and security of the digital services.

Or. en

Amendment 318
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 11

(11) A substantial connection to the Union should be considered to exist where the relevant information society services has an establishment in the Union or, in its absence, on the basis of the existence of a significant number of users in one or more Member States, or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant circumstances, including factors such as

(11) A substantial connection to the Union should be considered to exist where the relevant information society services has an establishment in the Union or, in its absence, on the basis of the existence of a significant number of users in one or more Member States, or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant circumstances, including factors such as

the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. ***The targeting of activities towards a Member State could also be derived from the availability of a software application in the relevant national software application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State.*** A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1), point (c), of Regulation (EU) 1215/2012 of the European Parliament and of the Council⁴⁴. Mere technical accessibility of a website from the Union should not, alone, be considered as establishing a substantial connection to the Union.

⁴⁴ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1), point (c), of Regulation (EU) 1215/2012 of the European Parliament and of the Council⁴⁴. Mere technical accessibility of a website from the Union should not, alone, be considered as establishing a substantial connection to the Union.

⁴⁴ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

Or. en

Amendment 319

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) A substantial connection to the Union should be considered to exist where the relevant information society services has an establishment in the Union or, in its absence, on the basis of the existence of a significant number of users in one or more

Amendment

(11) A substantial connection to the Union should be considered to exist where the relevant information society services has an establishment in the Union or, in its absence, on the basis of the existence of a significant number, ***in relation to***

Member States, or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of a software application in the relevant national software application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1), point (c), of Regulation (EU) 1215/2012 of the European Parliament and of the Council⁴⁴. Mere technical accessibility of a website from the Union ***should not***, alone, be considered as establishing a substantial connection to the Union.

⁴⁴ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

population size, of users in one or more Member States, or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States should be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of a software application in the relevant national software application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1), point (c), of Regulation (EU) 1215/2012 of the European Parliament and of the Council⁴⁴. Mere technical accessibility of a website from the Union ***cannot***, alone, be considered as establishing a substantial connection to the Union.

⁴⁴ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

Or. en

Justification

More coherent alignment with the DSA

Amendment 320
Cornelia Ernst, Clare Daly
Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) For reasons of consistency and technological neutrality, the term ‘child sexual abuse material’ should for the purpose of this Regulation be defined as referring to any ***type of material constituting child pornography or pornographic performance*** within the meaning of Directive 2011/93/EU, which is capable of being disseminated through the use of hosting or interpersonal communication services. At present, such material typically consists of images or videos, ***without it however being excluded that it takes other forms, especially in view of future technological developments.***

Amendment

(12) For reasons of consistency and technological neutrality, the term ‘child sexual abuse material’ should for the purpose of this Regulation be defined as referring to any ***material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of the sexual organs of a child for primarily sexual purposes or any material that visually depicts any person appearing to be a child engaged in real or simulated sexually explicit conduct or any depiction of the sexual organs of any person appearing to be a child, for primarily sexual purposes; or realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, for primarily sexual purposes; or a live exhibition aimed at an audience, including by means of information and communication technology, of a child engaged in real or simulated sexually explicit conduct; or the sexual organs of a child for primarily sexual purposes*** within the meaning of Directive 2011/93/EU, which is capable of being disseminated through the use of hosting or interpersonal communication services. At present, such material typically consists of images or videos.

Or. en

Amendment 321

Cornelia Ernst, Clare Daly

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The term ‘online child sexual abuse’ should cover ***not*** only the dissemination of material previously detected and confirmed as constituting child sexual abuse material (‘known’

Amendment

(13) The term ‘online child sexual abuse’ should cover only the dissemination of material previously detected and confirmed as constituting child sexual abuse material (‘known’ material).

material), *but also of material not previously detected that is likely to constitute child sexual abuse material but that has not yet been confirmed as such ('new' material), as well as activities constituting the solicitation of children ('grooming'). That is needed in order to address not only past abuse, the re-victimisation and violation of the victims' rights it entails, such as those to privacy and protection of personal data, but to also address recent, ongoing and imminent abuse, so as to prevent it as much as possible, to effectively protect children and to increase the likelihood of rescuing victims and stopping perpetrators.*

Or. en

Amendment 322
Annalisa Tardino
Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) The term 'online child sexual abuse' should cover not only the dissemination of material previously detected and confirmed as constituting child sexual abuse material ('known' material), but also of material not previously detected that is likely to constitute child sexual abuse material but that has not yet been confirmed as such ('new' material), as well as activities constituting the solicitation of children ('grooming'). That is needed in order to address not only past abuse, the re-victimisation and violation of the victims' rights it entails, such as those to privacy and protection of personal data, but to also address recent, ongoing and imminent abuse, so as to prevent it as much as possible, to effectively protect children and to increase the likelihood of rescuing victims *and* stopping perpetrators.

Amendment

(13) The term 'online child sexual abuse' should cover not only the dissemination of material previously detected and confirmed as constituting child sexual abuse material ('known' material), but also of material not previously detected that is likely to constitute child sexual abuse material but that has not yet been confirmed as such ('new' material), as well as activities constituting the solicitation of children ('grooming'). That is needed in order to address not only past abuse, the re-victimisation and violation of the victims' rights it entails, such as those to privacy and protection of personal data, but to also address recent, ongoing and imminent abuse, so as to prevent it as much as possible, to effectively protect children and to increase the likelihood of rescuing victims, stopping *and prosecuting*

perpetrators.

Or. en

Amendment 323
Vincenzo Sofo, Jadwiga Wiśniewska
Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In order to protect children, this Regulation should take into account the concerning hypersexualized use of children's images in advertising campaigns and the increasing spread of cultural pseudo-pedophilia also fuelled by fundraising campaigns.

Or. en

Amendment 324
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) With a view to minimising the risk that their services are misused for the dissemination of known or new child sexual abuse material or the solicitation of children, providers of hosting services and providers of publicly available interpersonal communications services should assess **such** risk for each of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. **To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant.** As risks evolve over time, in function of developments such as those related to technology and the **manners** in which the services in question are offered

(14) With a view to minimising the risk that their services are misused for the dissemination of known or new child sexual abuse material or the solicitation of children, providers of hosting services and providers of publicly available **number-independent** interpersonal communications services should assess **the existence of a recurring systemic** risk for each of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. As risks evolve over time, in function of developments such as those related to technology and the **manner** in which the services in question are offered and used, it is appropriate to ensure that the risk assessment, **as well as the effectiveness and proportionality of mitigation**

and used, it is appropriate to ensure that the risk assessment *is* updated regularly and when needed for particular reasons.

measures, are updated regularly and when needed for particular reasons.

Or. en

Amendment 325
Annalisa Tardino
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) With a view to minimising the risk that their services are misused for the dissemination of known or new child sexual abuse material or the solicitation of children, providers of hosting services and providers of publicly available interpersonal communications services should assess such risk for each of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment is updated regularly and when needed for particular reasons.

Amendment

(14) With a view to minimising the risk that their services are misused for the dissemination of known or new child sexual abuse material or the solicitation of children, providers of hosting services and providers of publicly available interpersonal communications services should assess such risk for each of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided ***based on best practices already enforced by Member States***. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment is updated regularly and when needed for particular reasons.

Or. en

Amendment 326
Rob Rooken
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) With a view to minimising the risk that their services are misused for the

Amendment

(14) With a view to minimising the risk that their services are misused for the

dissemination of known or new child sexual abuse material or the solicitation of children, providers of hosting services and providers of publicly available interpersonal communications services should assess such risk for each of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment is updated regularly and when needed for particular reasons.

dissemination of known or new child sexual abuse material or the solicitation of children, providers of hosting services and providers of publicly available ***number independent*** interpersonal communications services should assess such risk for each of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment is updated regularly and when needed for particular reasons.

Or. en

Amendment 327
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) With a view to minimising the risk that their services are misused for the dissemination of known ***or new*** child sexual abuse material ***or the solicitation of children***, providers of hosting services and providers of publicly available interpersonal communications services should assess such risk for each of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those

Amendment

(14) With a view to minimising the risk that their services are misused for the dissemination of known child sexual abuse material, providers of hosting services and providers of publicly available ***number independent*** interpersonal communications services should assess such risk for each of the services that they offer in the Union. To guide their risk assessment, a non-exhaustive list of elements to be taken into account should be provided. To allow for a full consideration of the specific characteristics of the services they offer, providers should be allowed to take account of additional elements where relevant. As risks evolve over time, in function of developments such as those related to technology and the manners in

related to technology and the manners in which the services in question are offered and used, it is appropriate to ensure that the risk assessment is updated regularly and when needed for particular reasons.

which the services in question are offered and used, it is appropriate to ensure that the risk assessment is updated regularly and when needed for particular reasons.

Or. en

Amendment 328

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Given the severity of these crimes and the long-lasting negative consequences on the victims and the risk of revictimization as a result of the dissemination of known material, new material, as well as activities constituting the solicitation of children, it is essential that this Regulation provides specific obligations for providers of hosting service and providers of interpersonal communication services to prevent, detect, report and remove child sexual abuse material in all their services, including interpersonal communications services, which may also be covered by end-to-end encryption, in light of the prevalence of dissemination of child sexual abuse material, including the solicitation of children, in interpersonal communication services.

Or. en

Amendment 329

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzton, Estrella Durá Ferrandis, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Given the severity of these crimes and the long-lasting negative

consequences on the victims and the risk of revictimization as a result of the dissemination of known material, new material, as well as activities constituting the solicitation of children, it is essential that this Regulation provides specific obligations for providers of hosting services and providers of interpersonal communication services to prevent, detect, report, remove child sexual abuse material in all their services, including interpersonal communication services, which may also be covered by end-to-end encryption, in light of the prevalence of dissemination of child sexual abuse material, including the solicitation of children, in interpersonal communication services.

Or. en

Amendment 330

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Some of those providers of relevant information society services in scope of this Regulation may also be subject to an obligation to conduct a risk assessment under Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] with respect to information that they store and disseminate to the public. For the ***purposes of the present Regulation, those providers may draw on such a risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse, as required by this Regulation.***

Amendment

(15) Some of those providers of relevant information society services in scope of this Regulation may also be subject to an obligation to conduct a risk assessment under Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] with respect to information that they store and disseminate to the public, ***which should form the basis for the risk assessment under this instrument.***

Or. en

Amendment 331

Annalisa Tardino
Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) Some of those providers of relevant information society services in scope of this Regulation may also be subject to an obligation to conduct a risk assessment under Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] with respect to information that they store and disseminate to the public. For the purposes of the present Regulation, those providers may draw on such a risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse, as required by this Regulation.

Amendment

(15) Some of those providers of relevant information society services in scope of this Regulation may also be subject to an obligation to conduct a risk assessment under Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] with respect to information that they store and disseminate to the public. For the purposes of the present Regulation ***and in order to avoid unnecessary burdens and duplications especially for SMEs***, those providers may draw on such a risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse, as required by this Regulation.

Or. en

Amendment 332
Carles Puigdemont i Casamajó
Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... ***[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]*** may consider to

Amendment

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) ***2022/2065*** may consider to which extent mitigation measures adopted to comply with that obligation. ***Mitigation measures*** may

which extent mitigation measures adopted to comply with that obligation, *which* may include targeted measures to protect the rights of the child, including *age verification and* parental control tools, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

include *designing their online interfaces or parts thereof with the highest level of privacy, safety and security for children by default or adopting standards for protection of children, or participating in codes of conduct for protecting children*, targeted measures to protect the rights of the child, including *functionalities enabling age assurance and age scoring, and age-appropriate* parental control tools. *Enabling flagging and/or notifying mechanisms and self-reporting functionalities* may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation. *Communication service providers (CSPs) may take voluntary measures to detect and remove child sexual abuse material (CSAM) from their services, provided that such measures are proportionate, necessary, and respectful of users' privacy and other fundamental rights. CSPs that take such measures shall comply with the following requirements:*(a) *Any measures taken to detect or remove CSAM must be based on clear, transparent, and publicly available criteria, which should be regularly reviewed and updated as necessary to reflect changes in technology and legal developments.*(b) *CSPs shall inform their users about the nature and extent of the measures taken to detect and remove CSAM, including any impact on users' privacy and other rights.*(c) *CSPs shall ensure that any measures taken to detect and remove CSAM are subject to appropriate oversight and accountability mechanisms, which should be designed to ensure that the measures are effective, proportionate, and respectful of users' rights.* (d) *CSPs shall cooperate with relevant competent authorities, including law enforcement authorities, to prevent and combat CSAM, and to support the identification and rescue of victims of*

Amendment 333

Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Tomas Tobé, Jessica Polfjård, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... **[on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC]** may consider to which extent mitigation measures adopted to comply with that obligation, **which** may include targeted measures to protect the rights of the child, including **age verification and** parental control tools, **may also** serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Amendment

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take **effective and** reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) **2022/2065** may consider to which extent mitigation measures adopted to comply with that obligation. **Mitigation measures necessary for the fulfilment of the obligations in this regulation** may include **the design of online interfaces or parts thereof with the highest level of privacy, safety and security for children by default, the adaptation of standards for protection of children, participation in codes of conduct for protecting children,** targeted measures to protect the rights of the child, including **age-appropriate** parental control tools. **Enabling flagging and/or notifying mechanisms and self-reporting functionalities, where possible with the use of AI, shall** serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Justification

The measures taken by providers to mitigate the risk of their services being misused for abuse must, in addition to being reasonable, be effective in order to limit the encroachment on fundamental rights such as the right to privacy. Parental control remains an essential tool to mitigate the risk of abuse, and AI plays an increasingly important role for e.g. self-reporting functionalities like the one introduced by Apple in iOS 15 and Mac OS12 (Communications Safety).

Amendment 334

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate ***the risk of their services being misused for such abuse, as identified through the risk assessment.*** Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] ***may consider to which extent mitigation measures adopted to comply with that obligation, which may include targeted measures to protect the rights of the child, including age verification and parental control tools, may also serve to*** address the risk identified in the specific risk assessment ***pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.***

Amendment

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available ***number-independent*** interpersonal communications services should take reasonable ***specific*** measures to mitigate their services being misused for such abuse. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] ***should*** address the risk identified in the specific risk assessment.

Or. en

Amendment 335

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] may consider to which extent mitigation measures adopted to comply with that obligation, which may include targeted measures to protect the rights of the child, including age verification *and* parental control tools, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Amendment

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] may consider to which extent mitigation measures adopted to comply with that obligation, which may include targeted measures to protect the rights of the child, including age verification, parental control tools *and functionalities enabling self-reporting by children, their parents or legal guardians*, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Or. en

Amendment 336
Annalisa Tardino
Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures

Amendment

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures

pursuant to Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] may consider to which extent mitigation measures adopted to comply with that obligation, which may include targeted measures to protect the rights of the child, including age verification and parental control tools, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

pursuant to Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] may consider to which extent mitigation measures adopted to comply with that obligation, which may include targeted measures to protect the rights of the child, including age verification and parental control tools, ***child friendly self reporting mechanisms*** may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Or. en

Amendment 337

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Recital 16

Text proposed by the Commission

Amendment

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] may consider to which extent mitigation measures adopted to comply with that obligation, which may include targeted measures to protect the rights of the child, ***including age verification and parental control tools***, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] may consider to which extent mitigation measures adopted to comply with that obligation, which may include targeted measures to protect the rights of the child, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Or. en

Amendment 338
Rob Rooken
Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] may consider to which extent mitigation measures adopted to comply

Amendment

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available ***number independent*** interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] may consider to which extent mitigation

with that obligation, which may include targeted measures to protect the rights of the child, including age verification and parental control tools, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

measures adopted to comply with that obligation, which may include targeted measures to protect the rights of the child, including age verification and parental control tools, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Or. en

Amendment 339
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] may consider to which extent mitigation measures adopted to comply with that obligation, which may include targeted measures to protect the rights of the child, ***including age verification and parental control tools***, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Amendment

(16) In order to prevent and combat online child sexual abuse effectively, providers of hosting services and providers of publicly available ***number independent*** interpersonal communications services should take reasonable measures to mitigate the risk of their services being misused for such abuse, as identified through the risk assessment. Providers subject to an obligation to adopt mitigation measures pursuant to Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] may consider to which extent mitigation measures adopted to comply with that obligation, which may include targeted measures to protect the rights of the child, may also serve to address the risk identified in the specific risk assessment pursuant to this Regulation, and to which extent further targeted mitigation measures may be required to comply with this Regulation.

Or. en

Amendment 340
Cornelia Ernst, Clare Daly

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) To further prevent online child sexual abuse effectively, an emphasis should be placed on public awareness raising, including through easily understandable campaigns and in education with a focus on empowerment of young people to use the internet safely and to address societal factors that enable child sexual abuse, including harmful gender norms and broader issues of societal inequality; In addition awareness raising should focus on hotlines where young people can report what has happened to them, as well as to improve access to institutional reporting by police and social services and other authorities.

Or. en

Amendment 341
Annika Bruna
Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16bis) La prévention des risques doit prévoir la possibilité d'utiliser une technologie approuvée qui détecte les contenus à caractère sexuel tout en respectant les garanties attachées aux droits fondamentaux, y compris dans les environnements chiffrés de bout en bout.

Or. fr

Amendment 342
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

(17) *To allow for innovation and*

(17) Providers should be left a degree of

ensure proportionality and technological neutrality, no exhaustive list of the compulsory mitigation measures should be established. Instead, providers should be left a degree of flexibility to design and implement measures tailored to the risk identified and the characteristics of the services they provide and the manners in which those services are used. In particular, providers are free to design and implement, in accordance with Union law, measures based on their existing practices to detect online child sexual abuse in their services and indicate as part of the risk reporting their willingness and preparedness to eventually being issued a detection order under this Regulation, if deemed necessary by the competent national authority.

flexibility to design and implement measures tailored to the risk identified and the characteristics of the services they provide and the manners in which those services are used, *taking into account the autonomy and rights of children and adapt their design, features and functions of services accordingly.*

Or. en

Amendment 343

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) To allow for innovation and ensure proportionality and technological neutrality, no exhaustive list of the compulsory **mitigation** measures should be established. Instead, providers should be left a degree of flexibility to design and implement measures tailored to the **risk identified** and the characteristics of the services they provide and the manners in which those services are used. In particular, providers are free to design and implement, in accordance with Union law, measures based on their existing practices **to detect online child sexual abuse in their services and indicate as part of the risk reporting their willingness and preparedness to eventually being issued a detection order under this Regulation, if deemed necessary by the competent**

Amendment

(17) To allow for innovation and ensure proportionality and technological neutrality, no exhaustive list of the compulsory **specific** measures should be established. Instead, providers should be left a degree of flexibility to design and implement measures tailored to the **risks, exposure** and the characteristics of the services they provide and the manners in which those services are used. In particular, providers are free to design and implement, in accordance with Union law, measures based on their existing practices. **Specific measures could include providing technical measures and tools that allow users to manage their own privacy visibility, reachability and safety, such as mechanisms for users to block or mute other users, mechanisms that ask**

national authority.

for confirmation before displaying certain content, tools that prompt or warn users.

Or. en

Amendment 344

Lucia Ďuriš Nicholsonová, Fabienne Keller
Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) To allow for innovation and ensure proportionality and technological neutrality, no exhaustive list of the compulsory mitigation measures should be established. Instead, providers should be left a degree of flexibility to design and implement measures tailored to the risk identified and the characteristics of the services they provide and the manners in which those services are used. In particular, providers are free to design and implement, in accordance with Union law, measures based on their existing practices to detect online child sexual abuse in their services and indicate as part of the risk reporting their willingness and preparedness to eventually being issued a detection order under this Regulation, if deemed necessary by the competent national authority.

Amendment

(17) To allow for innovation and ensure proportionality and technological neutrality, no exhaustive list of the compulsory mitigation measures should be established. Instead, providers should be left a degree of flexibility to design and implement measures tailored to the risk identified and the characteristics of the services they provide and the manners in which those services are used. In particular, providers are free to design and implement, in accordance with Union law, measures based on their existing practices to detect ***and prevent*** online child sexual abuse in their services and indicate as part of the risk reporting their willingness and preparedness to eventually being issued a detection order under this Regulation, if deemed necessary by the competent national authority.

Or. en

Amendment 345

Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) While age verification tools may be one possible method of mitigating risk, many currently-known age verification methods create a risk of systemic violations of privacy and data protection. This includes, inter alia, the mass

profiling of the users, the biometric analysis of the user's face and/or voice, or the deployment of digital identification/certification system, none of which currently respects individuals' fundamental rights sufficiently to justify its large-scale or mandatory deployment. Implementation of any of these measures by the providers of communication services would necessarily add another layer of interference with the rights and freedoms of the users, or unduly restrict access to services to people who appear younger or older than their actual age or people who do not have the necessary identification documents. As such, methods to verify or assess the age of users should not be mandatory, if used, be approached with caution and allow for alternatives, to ensure the protection of rights to privacy and data protection of all internet users in line with the GDPR, and to ensure that it remains possible for law-abiding internet users to remain anonymous.

Or. en

Amendment 346
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Recital 17 b (new)

Text proposed by the Commission

Amendment

(17b) Relying on providers for risk mitigation measures comes with inherent risks, as business models, technologies and crimes evolve continuously. As a result, clear targets, oversight, review and adaptation, led by national supervisory authorities are needed, to avoid measures becoming redundant, disproportionate, ineffective, counterproductive and outdated.

Or. en

Amendment 347

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the need to comply with Union law and, in particular, the requirements of this Regulation on **mitigation** measures. Therefore, providers of hosting services and providers of publicly available interpersonal communications services should, when designing and implementing the **mitigation** measures, give importance not only to ensuring their effectiveness, but also to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights. In order to ensure proportionality, when determining which **mitigation** measures should reasonably be taken in a given situation, account should also be taken of the financial and technological capabilities and the size of the provider concerned. When selecting appropriate **mitigation** measures, providers should at least duly consider the possible measures listed in this Regulation, **as well as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the Commission. When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation** measures.

Amendment

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the need to comply with Union law and, in particular, the requirements of this Regulation on **specific** measures. Therefore, providers of hosting services and providers of publicly available **number-independent** interpersonal communications services should, when designing and implementing the **specific** measures, give importance not only to ensuring their effectiveness, but also to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights. In order to ensure proportionality, when determining which **specific** measures should reasonably be taken in a given situation, account should also be taken of **the ongoing effectiveness of the measures**, the financial and technological capabilities and the size of the provider concerned. When selecting appropriate **specific** measures, providers should at least duly consider the possible measures listed in this Regulation, **quantifying the expected impact of the available** measures. **Objective data on ongoing effectiveness must be provided, in order for any measure to be recognised as best practice.**

Or. en

Amendment 348

Rob Rooken

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the need to comply with Union law and, in particular, the requirements of this Regulation on mitigation measures. Therefore, providers of hosting services and providers of publicly available interpersonal communications services should, when designing and implementing the mitigation measures, give importance not only to ensuring their effectiveness, but also to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights. In order to ensure proportionality, when determining which mitigation measures should reasonably be taken in a given situation, account should also be taken of the financial and technological capabilities and the size of the provider concerned. When selecting appropriate mitigation measures, providers should at least duly consider the possible measures listed in this Regulation, as well as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the Commission. When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation measures.

Amendment

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the need to comply with Union law and, in particular, the requirements of this Regulation on mitigation measures. Therefore, providers of hosting services and providers of publicly available **number independent** interpersonal communications services should, when designing and implementing the mitigation measures, give importance not only to ensuring their effectiveness, but also to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights. In order to ensure proportionality, when determining which mitigation measures should reasonably be taken in a given situation, account should also be taken of the financial and technological capabilities and the size of the provider concerned. When selecting appropriate mitigation measures, providers should at least duly consider the possible measures listed in this Regulation, as well as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the Commission. When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation measures.

Or. en

Amendment 349

Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the need to comply with Union law and, in particular, the requirements of this Regulation on mitigation measures. Therefore, providers of hosting services and providers of publicly available interpersonal communications services should, when designing and implementing the mitigation measures, give importance not only to ensuring their effectiveness, but also to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights. In order to ensure proportionality, when determining which mitigation measures should reasonably be taken in a given situation, account should also be taken of the financial and technological capabilities and the size of the provider concerned. When selecting appropriate mitigation measures, providers should at least duly consider the possible measures listed in this Regulation, as well as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the **Commission**. When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation measures.

(18) In order to ensure that the objectives of this Regulation are achieved, that flexibility should be subject to the need to comply with Union law and, in particular, the requirements of this Regulation on mitigation measures. Therefore, providers of hosting services and providers of publicly available **number independent** interpersonal communications services should, when designing and implementing the mitigation measures, give importance not only to ensuring their effectiveness, but also to avoiding any undue negative consequences for other affected parties, notably for the exercise of users' fundamental rights. In order to ensure proportionality, when determining which mitigation measures should reasonably be taken in a given situation, account should also be taken of the financial and technological capabilities and the size of the provider concerned. When selecting appropriate mitigation measures, providers should at least duly consider the possible measures listed in this Regulation, as well as, where appropriate, other measures such as those based on industry best practices, including as established through self-regulatory cooperation, and those contained in guidelines from the **EU Centre**. When no risk has been detected after a diligently conducted or updated risk assessment, providers should not be required to take any mitigation measures.

Or. en

Amendment 350

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) In the light of their role as intermediaries facilitating access to software applications that may be misused

Amendment

deleted

for online child sexual abuse, providers of software application stores should be made subject to obligations to take certain reasonable measures to assess and mitigate that risk. The providers should make that assessment in a diligent manner, making efforts that are reasonable under the given circumstances, having regard inter alia to the nature and extent of that risk as well as their financial and technological capabilities and size, and cooperating with the providers of the services offered through the software application where possible.

Or. en

Amendment 351
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 19

Text proposed by the Commission

Amendment

(19) In the light of their role as intermediaries facilitating access to software applications that may be misused for online child sexual abuse, providers of software application stores should be made subject to obligations to take certain reasonable measures to assess and mitigate that risk. The providers should make that assessment in a diligent manner, making efforts that are reasonable under the given circumstances, having regard inter alia to the nature and extent of that risk as well as their financial and technological capabilities and size, and cooperating with the providers of the services offered through the software application where possible.

deleted

Or. en

Amendment 352
Cornelia Ernst, Clare Daly
Proposal for a regulation

Recital 20

Text proposed by the Commission

Amendment

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when mitigating measures are deemed insufficient to limit the risk of misuse of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request the issuance of detection orders. In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available interpersonal communications services, and that solicitation of children mostly takes place in publicly available interpersonal communications services, it should only be possible to address detection orders to providers of such services.

deleted

Or. en

Amendment 353

Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari, Karen Melchior
Proposal for a regulation

Recital 20

Text proposed by the Commission

Amendment

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when mitigating measures *are deemed insufficient* to limit the risk of misuse of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when *the provider refuses to cooperate by putting in place the* mitigating measures *aimed* to limit the risk of misuse of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by

should be empowered to request the issuance of detection orders. In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available interpersonal communications services, and that solicitation of children mostly takes place in publicly available interpersonal communications services, it should only be possible to address detection orders to providers of such services.

Member States under this Regulation should be empowered to request, ***as a measure of last resort***, the issuance of detection orders. In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available interpersonal communications services, and that solicitation of children mostly takes place in publicly available interpersonal communications services, it should only be possible to address detection orders to providers of such services. ***Such detection orders shall be issued with regards to the technical capacity of the provider, and shall in no way be interpreted as prohibiting, or compromising the integrity and confidentiality of, end-to-end encrypted content and communications.***

Or. en

Justification

As proposed by the rapporteur, the issuance of detection orders should be only a measure of last resort. Detection orders must be possible to comply with, taking into account the technical capacity of the service provider. In accordance with the proposed Article 6a, they must never be interpreted as prohibiting, or compromising the integrity and confidentiality of, end-to-end encrypted content and communications. Client-side scanning with side-channel leaks is an example of a practice that, while not necessarily 'weakening' the end-to-end encryption, still puts the integrity and confidentiality of the end-to-end encrypted content and communications at risk.

Amendment 354

Rob Rooken

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when mitigating measures are deemed insufficient to limit the risk of

Amendment

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when mitigating measures are deemed insufficient to limit the risk of

misuse of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request the issuance of detection orders. In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards. ***For instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available interpersonal communications services, and that solicitation of children mostly takes place in publicly available interpersonal communications services, it should only be possible to address detection orders to providers of such services.***

misuse of a certain service for the purpose of online child sexual abuse, ***and where the provider refuses to cooperate with Coordinating Authorities and the Centre,*** the Coordinating Authorities designated by Member States under this Regulation should be empowered to request the issuance of detection orders ***as a last resort.*** In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards.

Or. en

Justification

This recital specifies that the detection orders shall only be issued to providers that do not cooperate or fail to comply with their obligations,

and as a last resort. Detection orders are extremely intrusive for citizens.

Amendment 355

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) With a view to ensuring effective prevention and fight against ***online child sexual abuse, when mitigating measures are deemed insufficient to limit the risk of misuse of a certain service for the purpose of*** online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request the issuance of detection orders. In order to avoid any undue interference with

Amendment

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request the issuance of detection orders ***targeting suspects.*** In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of ***targets,*** limits and safeguards. For

fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available interpersonal communications services, *and that solicitation of children mostly takes place in publicly available interpersonal communications services*, it should only be possible to address detection orders to providers of such services.

instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available interpersonal communications services, it should only be possible to address detection orders to providers of such services.

Or. en

Amendment 356

Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when mitigating measures are deemed insufficient to limit the risk of misuse of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request the issuance of detection orders. In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available interpersonal communications services, and that solicitation of children mostly takes place in publicly available interpersonal communications services, it should only be possible to address detection orders to providers of such services.

Amendment

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when mitigating measures are deemed insufficient to limit the risk of misuse of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request the issuance of detection orders. ***Such orders should not apply to end-to-end encryption services.*** In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and publicly available interpersonal communications services, and that solicitation of children mostly takes place in publicly available interpersonal communications services, it should only be possible to address detection orders to providers of such

services.

Or. en

Amendment 357
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when mitigating measures are deemed insufficient to limit the risk of misuse of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request the issuance of detection **orders**. In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and **publicly available interpersonal communications services, and that solicitation of children mostly takes place in** publicly available interpersonal communications services, it should only be possible to address detection **orders** to providers of such services.

Amendment

(20) With a view to ensuring effective prevention and fight against online child sexual abuse, when mitigating measures are deemed insufficient to limit the risk of misuse of a certain service for the purpose of online child sexual abuse, the Coordinating Authorities designated by Member States under this Regulation should be empowered to request the issuance of detection **warrants**. In order to avoid any undue interference with fundamental rights and to ensure proportionality, that power should be subject to a carefully balanced set of limits and safeguards. For instance, considering that child sexual abuse material tends to be disseminated through hosting services and **number-independent** publicly available interpersonal communications services, it should only be possible to address detection **warrants** to providers of such services.

Or. en

Justification

This amendment should be interpreted as changing the wording "detection orders" throughout this Regulation to "detection warrants". Detection warrants target specific devices or specific user accounts of an individual suspect against which there is a reasonable suspicion of possessing "known child sexual abuse material". Those warrants can only be issued by competent judicial authorities.

Amendment 358
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation

Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) End-to-end encryption is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. Any weakening of encryption could potentially be abused by malicious third parties. Nothing in this Regulation should therefore be prohibiting or weakening end-to-end encryption or be interpreted in that way.

Or. en

Amendment 359

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Recital 20 b (new)

Text proposed by the Commission

Amendment

(20b) The use of end-to-end encryption should be promoted and, where necessary, be mandatory in accordance with the principles of security and privacy by design. Member States should not impose any obligation on encryption providers, on providers of electronic communications services or on any other organisations, at any level of the supply chain, that would result in the weakening of the security of their networks and services, such as the creation or facilitation of backdoors or any other functionality allowing disclosure of communications content to third parties.

Or. en

Amendment 360

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Recital 20 c (new)

Text proposed by the Commission

Amendment

(20c) The act of breaking encryption refers to the act of defeating or bypassing the encryption protocol used to secure a communication. Any access by any third-party that was not meant to access, read or edit the content of that communication that was supposed to be private and secure should be considered as undermining encryption.

Or. en

Amendment 361
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Recital 20 d (new)

Text proposed by the Commission

Amendment

(20d) The technologies used for the purpose of executing detection warrants should be in accordance with the state of the art in the industry and are the least privacy-intrusive, including with regard to the principle of data protection by design and by default pursuant to Regulation (EU) 2016/679.

Or. en

Amendment 362
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 21

Text proposed by the Commission

Amendment

(21) Furthermore, as parts of those limits and safeguards, detection orders should only be issued after a diligent and objective assessment leading to the finding of a significant risk of the specific service concerned being misused for a given type of online child sexual abuse covered by this Regulation. One of the elements to be taken into account in this regard is the likelihood that the service is used to an appreciable extent, that is, beyond isolated and relatively rare

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instances, for such abuse. The criteria should vary so as to account of the different characteristics of the various types of online child sexual abuse at stake and of the different characteristics of the services used to engage in such abuse, as well as the related different degree of intrusiveness of the measures to be taken to execute the detection order.

Or. en

Amendment 363

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) Furthermore, as parts of those limits and safeguards, detection orders should *only be issued after a diligent and objective assessment leading to the finding of a significant risk* of the *specific* service *concerned* being *misused for a given type* of online child sexual abuse *covered by this Regulation. One of the elements to be taken into account in this regard is the likelihood that the service is used to an appreciable extent, that is, beyond isolated and relatively rare instances, for such abuse. The criteria should vary so as to account of the different characteristics of the various types of online child sexual abuse at stake and of the different characteristics of the services used to engage in such abuse, as well as the related different degree of intrusiveness of the measures to be taken to execute the detection order.*

Amendment

(21) Furthermore, as parts of those limits and safeguards, detection orders should *require a reasonable suspicion* of the service being *used for the purpose* of online child sexual abuse *by one or more suspects*.

Or. en

Amendment 364

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Recital 21

(21) Furthermore, as parts of those limits and safeguards, detection **orders** should only be issued ***after a diligent and objective assessment leading to the finding of a significant risk of the specific service concerned being misused for a given type of online child sexual abuse covered by this Regulation.*** One of the elements to be taken into account in this regard is the ***likelihood that the service is used to an appreciable extent, that is, beyond isolated and relatively rare instances, for such abuse. The criteria should vary so as to account of the different characteristics of the various types of online child sexual abuse at stake and of the different characteristics of the services used to engage in such abuse, as well as the related different degree of intrusiveness of the measures to be taken to execute the detection order.***

(21) Furthermore, as parts of those limits and safeguards, detection **warrants** should only be issued ***by a judicial authority and only with the purpose to detect known online child sexual abuse material related to a specific device or user account, where there is a reasonable suspicion such content is stored on that device or in that user account.*** One of the **main** elements to be taken into account in this regard is the ***existence of evidence demonstrating a reasonable suspicion that individual accounts or groups of accounts are being used for the purpose of online child sexual abuse.***

Or. en

Justification

This amendment should be interpreted as changing the wording "detection orders" throughout this Regulation to "detection warrants". Detection warrants target specific devices or specific user accounts of an individual suspect against which there is a reasonable suspicion of possessing "known child sexual abuse material". Those warrants can only be issued by competent judicial authorities.

Amendment 365

Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Recital 21

(21) Furthermore, as parts of those limits and safeguards, detection orders should only be issued after a diligent and objective assessment leading to the finding of a significant risk of the specific service concerned being misused for a given type of online child sexual abuse covered by this Regulation. One of the elements to be

(21) Furthermore, as parts of those limits and safeguards, detection orders should only be issued after a diligent and objective assessment leading to the finding of a significant risk of the specific service concerned being misused for a given type of online child sexual abuse covered by this Regulation. ***Such detection orders***

taken into account in this regard is the likelihood that the service is used to an appreciable extent, that is, beyond isolated and relatively rare instances, for such abuse. The criteria should vary so as to account of the different characteristics of the various types of online child sexual abuse at stake and of the different characteristics of the services used to engage in such abuse, as well as the related different degree of intrusiveness of the measures to be taken to execute the detection order.

should as far as possible be restricted and specified, not calling for mass detection.

One of the elements to be taken into account in this regard is the likelihood that the service is used to an appreciable extent, that is, beyond isolated and relatively rare instances, for such abuse. The criteria should vary so as to account of the different characteristics of the various types of online child sexual abuse at stake and of the different characteristics of the services used to engage in such abuse, as well as the related different degree of intrusiveness of the measures to be taken to execute the detection order.

Or. en

Amendment 366
Annalisa Tardino
Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) Furthermore, as parts of those limits and safeguards, detection orders should only be issued after a diligent and objective assessment leading to the finding of a significant risk of the specific service concerned being misused for a given type of online child sexual abuse covered by this Regulation. One of the elements to be taken into account in this regard is the likelihood that the service is used to an appreciable extent, that is, beyond isolated and relatively rare instances, for such abuse. The criteria should vary so as to account of the different characteristics of the various types of online child sexual abuse at stake and of the different characteristics of the services used to engage in such abuse, as well as the related different degree of intrusiveness of the measures to be taken to execute the detection order.

Amendment

(21) Furthermore, as parts of those limits and safeguards, detection orders should only be issued after a diligent and objective assessment leading to the finding of a significant risk of the specific service concerned being misused for a given type of online child sexual abuse covered by this Regulation. One of the elements to be taken into account in this regard is the likelihood that the service is used to an appreciable extent, that is, beyond isolated and relatively rare instances, for such abuse. The criteria should vary so as to account of the different characteristics of the various types of online child sexual abuse at stake ***as well as the likelihood that the material could be rapidly disseminated*** and of the different characteristics of the services used to engage in such abuse, as well as the related different degree of intrusiveness of the measures to be taken to execute the detection order.

Amendment 367
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 22

Text proposed by the Commission

Amendment

(22) However, the finding of such a significant risk should in itself be insufficient to justify the issuance of a detection order, given that in such a case the order might lead to disproportionate negative consequences for the rights and legitimate interests of other affected parties, in particular for the exercise of users' fundamental rights. Therefore, it should be ensured that detection orders can be issued only after the Coordinating Authorities and the competent judicial authority or independent administrative authority having objectively and diligently assessed, identified and weighted, on a case-by-case basis, not only the likelihood and seriousness of the potential consequences of the service being misused for the type of online child sexual abuse at issue, but also the likelihood and seriousness of any potential negative consequences for other parties affected. With a view to avoiding the imposition of excessive burdens, the assessment should also take account of the financial and technological capabilities and size of the provider concerned.

deleted

Amendment 368
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Recital 22

Text proposed by the Commission

Amendment

(22) However, the finding of such a significant risk should in itself be

(22) However, the existence of evidence demonstrating a reasonable suspicion

insufficient to justify the issuance of a detection **order**, given that in such a case the order might lead to disproportionate negative consequences for the rights and legitimate interests of other affected parties, in particular for the exercise of users' fundamental rights. Therefore, it should be ensured that detection **orders** can be issued only after the Coordinating Authorities and the competent judicial **authority or independent administrative** authority having objectively and diligently assessed, identified and weighted, on a case-by-case basis, not only the likelihood and seriousness of the potential consequences of the service being misused for the type of online child sexual abuse at issue, but also the **likelihood and seriousness of any potential negative consequences for other parties affected**. With a view to avoiding the imposition of excessive burdens, the assessment should also take account of the financial and technological capabilities and size of the provider concerned.

that individual accounts or groups of accounts are being used for the purpose of online child sexual abuse should in itself be insufficient to justify the issuance of a detection **warrant**, given that in such a case the order might lead to disproportionate negative consequences for the rights and legitimate interests of other affected parties, in particular for the exercise of users' fundamental rights. Therefore, it should be ensured that detection **warrants** can be issued only after the Coordinating Authorities and the competent judicial authority having objectively and diligently assessed, identified and weighted, on a case-by-case basis, not only the likelihood and seriousness of the potential consequences of the service being misused for the type of online child sexual abuse at issue, but also the **actual or potential implications for the rights and legitimate interests of all parties concerned, including the possible failure of the measures to respect the fundamental rights enshrined in the Charter**. With a view to avoiding the imposition of excessive burdens, the assessment should also take account of the financial and technological capabilities and size of the provider concerned.

Or. en

Justification

This amendment should be interpreted as changing the wording "detection orders" throughout this Regulation to "detection warrants". Detection warrants target specific devices or specific user accounts of an individual suspect against which there is a reasonable suspicion of possessing "known child sexual abuse material". Those warrants can only be issued by competent judicial authorities.

Amendment 369

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 22

Text proposed by the Commission

Amendment

(22) However, the finding of such a **significant risk** should in itself be insufficient to justify the issuance of a detection order, **given that in such a case the order might lead to disproportionate negative consequences for the rights and legitimate interests of other affected parties, in particular for the exercise of users' fundamental rights**. Therefore, it should be ensured that detection orders can be issued only after the Coordinating Authorities and the competent judicial **authority or independent administrative** authority having objectively and diligently assessed, identified and weighted, on a case-by-case basis, not only the likelihood and seriousness of the potential consequences of the service being misused for the type of online child sexual abuse at issue, but also the likelihood and seriousness of any potential negative consequences for other parties affected. With a view to avoiding the imposition of excessive burdens, the assessment should also take account of the financial and technological capabilities and size of the provider concerned.

(22) However, the finding of such **evidence** should in itself be insufficient to justify the issuance of a detection order. Therefore, it should be ensured that detection orders can be issued only after the Coordinating Authorities and the competent judicial authority having objectively and diligently assessed, identified and weighted, on a case-by-case basis, not only the likelihood and seriousness of the potential consequences of the service being misused for the type of online child sexual abuse at issue, but also **the specific results anticipated by the measure**, the likelihood and seriousness of any potential negative consequences for other parties affected. With a view to avoiding the imposition of excessive burdens, the assessment should also take account of the financial and technological capabilities and size of the provider concerned.

Or. en

Amendment 370
Maite Pagazaurtundúa, Moritz Körner
Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) However, the finding of such a significant risk should in itself be insufficient to justify the issuance of a detection order, given that in such a case the order might lead to disproportionate negative consequences for the rights and legitimate interests of other affected parties, in particular for the exercise of users' fundamental rights. Therefore, it should be ensured that detection orders can be issued only after the Coordinating Authorities and the competent judicial

Amendment

(22) However, the finding of such a significant risk should in itself be insufficient to justify the issuance of a detection order, given that in such a case the order might lead to disproportionate negative consequences for the rights and legitimate interests of other affected parties, in particular for the exercise of users' fundamental rights. Therefore, it should be ensured that detection orders can be issued only after the Coordinating Authorities and the competent judicial

authority or independent administrative
authority having objectively and diligently assessed, identified and weighted, on a case-by-case basis, not only the likelihood and seriousness of the potential consequences of the service being misused for the type of online child sexual abuse at issue, but also the likelihood and seriousness of any potential negative consequences for other parties affected. With a view to avoiding the imposition of excessive burdens, the assessment should also take account of the financial and technological capabilities and size of the provider concerned.

authority having objectively and diligently assessed, identified and weighted, on a case-by-case basis, not only the likelihood and seriousness of the potential consequences of the service being misused for the type of online child sexual abuse at issue, but also the likelihood and seriousness of any potential negative consequences for other parties affected. With a view to avoiding the imposition of excessive burdens, the assessment should also take account of the financial and technological capabilities and size of the provider concerned.

Or. en

Amendment 371
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 23

Text proposed by the Commission

Amendment

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the detection order is targeted and specified so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to effectively address the significant risk identified. This should concern, in particular, a limitation to an identifiable part or component of the service where possible without prejudice to the effectiveness of the measure, such as specific types of channels of a publicly available interpersonal communications service, or to specific users or specific groups of users, to the extent that they can be taken in isolation for the purpose of detection, as well as the specification of the safeguards additional to the ones already expressly specified in this

deleted

Regulation, such as independent auditing, the provision of additional information or access to data, or reinforced human oversight and review, and the further limitation of the duration of application of the detection order that the Coordinating Authority deems necessary. To avoid unreasonable or disproportionate outcomes, such requirements should be set after an objective and diligent assessment conducted on a case-by-case basis.

Or. en

Amendment 372

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the detection order is targeted ***and*** specified so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to effectively ***address*** the significant risk identified. This should concern, in particular, a limitation to an identifiable ***part or component of the service where possible without prejudice to the effectiveness of the measure, such as specific types of channels of a publicly available interpersonal communications service, or to specific users or specific groups of users, to the extent that they can be taken in isolation for the purpose of detection, as well as the specification of the*** safeguards additional to the ones already expressly specified in this Regulation, ***such as*** independent auditing, the provision of additional information or

Amendment

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the detection order is targeted, ***has quantifiable targets, is limited in time and is*** specified so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to effectively ***and demonstrably mitigate*** the significant risk identified. This should concern, in particular, a limitation to an identifiable ***user or*** users. Safeguards additional to the ones already expressly specified in this Regulation ***should in addition be specified***. Independent auditing, ***in particular of the achievement of the anticipated results***, the provision of additional information or access to data, reinforced human oversight and review, and the further limitation of the duration of application of the detection order ***should be prerequisites of such orders being made***. To avoid unreasonable or

access to data, **or** reinforced human oversight and review, and the further limitation of the duration of application of the detection order ***that the Coordinating Authority deems necessary***. To avoid unreasonable or disproportionate outcomes, such requirements should be set after an objective and diligent assessment conducted on a case-by-case basis.

disproportionate outcomes, such requirements should be set after an objective and diligent assessment conducted on a case-by-case basis.

Or. en

Amendment 373

Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Karen Melchior, Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari
Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the detection order is targeted and ***specified*** so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to effectively address the significant risk identified. This should concern, in particular, a limitation to an identifiable part or component of the service ***where possible without prejudice to the effectiveness of the measure***, such as specific types of channels of a publicly available interpersonal communications service, or to specific users or specific groups of users, to the extent that they can be taken in isolation for the purpose of detection, as well as the specification of the safeguards additional to the ones already expressly specified in this Regulation, such as independent auditing, the provision of additional information or access to data, or reinforced human oversight and review, and the further limitation of the duration of

Amendment

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the detection order is ***justified, proportionate and related only to an identifiable part of the specific service, user or group of users, as well as*** targeted and ***limited in time*** so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to effectively address the significant risk identified. This should concern, in particular, a limitation to an identifiable part or component of the service, such as specific types of channels of a publicly available interpersonal communications service, or to specific users or specific groups of users, to the extent that they can be taken in isolation for the purpose of detection, as well as the specification of the safeguards additional to the ones already expressly specified in this Regulation, such as independent auditing, the provision of additional information or access to data, or reinforced human oversight and review,

application of the detection order that the Coordinating Authority deems necessary. To avoid unreasonable or disproportionate outcomes, such requirements should be set after an objective and diligent assessment conducted on a case-by-case basis.

and the further limitation of the duration of application of the detection order that the Coordinating Authority deems necessary. To avoid unreasonable or disproportionate outcomes, such requirements should be set after an objective and diligent assessment conducted on a case-by-case basis.

Or. en

Justification

Detection orders must be justified, proportionate, targeted and limited in time, as well as related to an identifiable part of the specific service, user or group of users, in order to limit the encroachment on fundamental rights such as the right to privacy.

Amendment 374

Rob Rooken

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the detection order is targeted and specified so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to effectively address the significant risk identified. This should concern, in particular, a limitation to an identifiable part or component of the service where possible without prejudice to the effectiveness of the measure, such as specific types of channels of a publicly available interpersonal communications service, or to specific users or specific groups of users, to the extent that they can be taken in isolation for the purpose of detection, as well as the specification of the safeguards additional to the ones already expressly specified in this Regulation, such as independent auditing, the provision of additional information or access to data, or

Amendment

(23) In addition, to avoid undue interference with fundamental rights and ensure proportionality, when it is established that those requirements have been met and a detection order is to be issued, it should still be ensured that the detection order is targeted and specified so as to ensure that any such negative consequences for affected parties do not go beyond what is strictly necessary to effectively address the significant risk identified. This should concern, in particular, a limitation to an identifiable part or component of the service where possible without prejudice to the effectiveness of the measure, such as specific types of channels of a publicly available ***number independent*** interpersonal communications service, or to specific users or specific groups of users, to the extent that they can be taken in isolation for the purpose of detection, as well as the specification of the safeguards additional to the ones already expressly specified in this Regulation, such as independent auditing, the provision of

reinforced human oversight and review, and the further limitation of the duration of application of the detection order that the Coordinating Authority deems necessary. To avoid unreasonable or disproportionate outcomes, such requirements should be set after an objective and diligent assessment conducted on a case-by-case basis.

additional information or access to data, or reinforced human oversight and review, and the further limitation of the duration of application of the detection order that the Coordinating Authority deems necessary. To avoid unreasonable or disproportionate outcomes, such requirements should be set after an objective and diligent assessment conducted on a case-by-case basis.

Or. en

Amendment 375
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 24

Text proposed by the Commission

Amendment

(24) The competent judicial authority or the competent independent administrative authority, as applicable in accordance with the detailed procedural rules set by the relevant Member State, should be in a position to take a well-informed decision on requests for the issuance of detections orders. That is of particular importance to ensure the necessary fair balance of the fundamental rights at stake and a consistent approach, especially in connection to detection orders concerning the solicitation of children. Therefore, a procedure should be provided for that allows the providers concerned, the EU Centre on Child Sexual Abuse established by this Regulation ('EU Centre') and, where so provided in this Regulation, the competent data protection authority designated under Regulation (EU) 2016/679 to provide their views on the measures in question. They should do so as soon as possible, having regard to the important public policy objective at stake and the need to act without undue delay to protect children. In particular, data protections authorities should do their utmost to avoid extending the time period set out in Regulation (EU) 2016/679 for

deleted

providing their opinions in response to a prior consultation. Furthermore, they should normally be able to provide their opinion well within that time period in situations where the European Data Protection Board has already issued guidelines regarding the technologies that a provider envisages deploying and operating to execute a detection order addressed to it under this Regulation.

Or. en

Amendment 376

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) The competent judicial authority *or the competent independent administrative authority, as applicable in accordance with the detailed procedural rules set by the relevant Member State*, should be in a position to take a well-informed decision on requests for the issuance of detections orders. That is of particular importance to ensure the necessary fair balance of the fundamental rights at stake and a consistent approach, especially in connection to detection orders concerning the solicitation of children. Therefore, a procedure should be provided for that allows the providers concerned, the EU Centre on Child Sexual Abuse established by this Regulation ('EU Centre') and, *where so provided in this Regulation*, the competent data protection authority designated under Regulation (EU) 2016/679 to provide their views on the measures in question. They should do so *as soon as possible*, having regard to the important public policy objective at stake and the need to act *without undue delay* to protect children. *In particular, data protection authorities should do their utmost to avoid extending the time period set out in Regulation (EU) 2016/679 for*

Amendment

(24) The competent judicial authority should *have the data necessary to* be in a position to take a well-informed decision on requests for the issuance of detections orders. That is of particular importance to ensure the necessary fair balance of the fundamental rights at stake and a consistent approach, especially in connection to detection orders concerning the solicitation of children. Therefore, a procedure should be provided for that allows the providers concerned, the EU Centre on Child Sexual Abuse established by this Regulation ('EU Centre') and the competent data protection authority designated under Regulation (EU) 2016/679 to provide their views on the measures in question, *as per Article 35 and 36 of that Regulation*. They should do so *without undue delay*, having regard to the important public policy objective at stake and the need to act to protect children. Furthermore, *data protection authorities* should normally be able to provide their opinion *in a timely manner including* in situations where the European Data Protection Board has already issued guidelines regarding the technologies that a provider envisages deploying and

providing their opinions in response to a prior consultation. Furthermore, *they* should normally be able to provide their opinion *well within that time period* in situations where the European Data Protection Board has already issued guidelines regarding the technologies that a provider envisages deploying and operating to execute a detection order addressed to it under this Regulation.

operating to execute a detection order addressed to it under this Regulation.

Or. en

Amendment 377

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 25

Text proposed by the Commission

Amendment

(25) Where new services are concerned, that is, services not previously offered in the Union, the evidence available on the potential misuse of the service in the last 12 months is normally non-existent. Taking this into account, and to ensure the effectiveness of this Regulation, the Coordinating Authority should be able to draw on evidence stemming from comparable services when assessing whether to request the issuance of a detection order in respect of such a new service. A service should be considered comparable where it provides a functional equivalent to the service in question, having regard to all relevant facts and circumstances, in particular its main characteristics and functionalities, the manner in which it is offered and used, the user base, the applicable terms and conditions and risk mitigation measures, as well as the overall remaining risk profile.

deleted

Or. en

Amendment 378

Cornelia Ernst, Clare Daly

Proposal for a regulation
Recital 25

Text proposed by the Commission

Amendment

(25) Where new services are concerned, that is, services not previously offered in the Union, the evidence available on the potential misuse of the service in the last 12 months is normally non-existent. Taking this into account, and to ensure the effectiveness of this Regulation, the Coordinating Authority should be able to draw on evidence stemming from comparable services when assessing whether to request the issuance of a detection order in respect of such a new service. A service should be considered comparable where it provides a functional equivalent to the service in question, having regard to all relevant facts and circumstances, in particular its main characteristics and functionalities, the manner in which it is offered and used, the user base, the applicable terms and conditions and risk mitigation measures, as well as the overall remaining risk profile.

deleted

Or. en

Amendment 379
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 26

Text proposed by the Commission

Amendment

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically

deleted

neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

Or. en

Amendment 380

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) *The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this*

Amendment

(26) This Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures **are not**

Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

undermined. That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. Any weakening of encryption could potentially be abused by malicious third parties. Nothing in this Regulation should therefore be interpreted as prohibiting, circumventing or weakening end-to-end encryption.

Or. en

Amendment 381

Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this

Amendment

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this

Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. ***That includes the use of*** end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. End-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children, ***should be safeguarded. This includes no possibility within end-to-end encryption technology to build in so called ‘backdoors’, i.e. client-side scanning with side-channel leaks which could weaken the end-to-end encryption and lead to a third party getting access to private data. Client-side scanning, when a message is scanned twice, on sending and receiving, threatens the integrity and privacy of users. Such ‘backdoors’ should not be built in on end-to-end encryption in the pursuit of enforcing this regulation.*** When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

Or. en

Amendment 382

Text proposed by the Commission

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, **and avoid circumvention of the detection obligations**, those measures should be **taken regardless of** the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. That includes the use of end-to-end encryption technology, which is an **important** tool to guarantee the security and confidentiality of the communications of users, including those of children. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

Amendment

(26) The measures taken by providers of hosting services and providers of publicly available **number independent** interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, those measures should be **tailored to** the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. That includes the use of end-to-end encryption technology, which is an **essential** tool to guarantee the security and confidentiality of the communications of users, including those of children. **Detection orders should not under any circumstances be interpreted as prohibiting, weakening and breaking (including de facto) encryption or (including de facto) leading to the creation of any kind of backdoor.** When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of

users. *If the provider reasonably believes that complying with a detection order will inevitably lead to undermining the security and confidentiality of the communications of its users, it should suspend its execution and challenge it in accordance with the procedure outlined in article 9.*

Or. en

Justification

Detection orders should be adapted to the service targeted and should not undermine the security or confidentiality of communication of its users.

Amendment 383

Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Karen Melchior, Tomas Tobé, Jessica Polfjård, Jörgen Warborn, Arba Kokalari, Lukas Mandl, Rob Rooker

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures

Amendment

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures

meet the requirements of this Regulation.
That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children.

When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

meet the requirements of this Regulation.
In accordance with Article 6a, nothing in this regulation shall be interpreted as prohibiting, or compromising the integrity and confidentiality of, end-to-end encrypted content or communications through client-side scanning with side-channel leaks or other measures by which the provider of a hosting service or a provider of interpersonal communication services provides third party actors with access to the end-to-end encrypted content and communications. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

Or. en

Justification

The integrity and confidentiality of end-to-end encrypted content and communications are essential for the confidentiality of digital correspondence and hence a prerequisite for the right to respect for private and family life and the right to protection of personal data as enshrined in Articles 7 and 8 of the Charter of the Fundamental Rights of the European Union (2000/C364/01). Client-side scanning with side-channel leaks is an example of a practice that, while not necessarily 'weakening' the end-to-end encryption, still puts the integrity and confidentiality of the end-to-end encrypted content and communications at risk.

Amendment 384

Jadwiga Wiśniewska

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this

Amendment

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this

Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. ***Nothing in this Regulation should therefore be interpreted as prohibiting end-to-end encryption or making it impossible.*** When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users, ***while ensuring the effective detection of online child sexual abuse and the balance of all the fundamental rights at stake.***

Or. en

Amendment 385

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Hélène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Recital 26

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. ***Nothing in this Regulation should therefore be interpreted as prohibiting end-to-end encryption or making it impossible.*** When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users, ***while ensuring the effective detection of online child sexual abuse and the balance of all the fundamental rights at stake.***

Or. en

Amendment 386
Vincenzo Sofo, Jadwiga Wiśniewska
Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. ***That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children.*** When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

Amendment

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. ***Nothing in this Regulation should therefore be interpreted as prohibiting end-to-end encryption or making it impossible or leading to any form of general monitoring.*** When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users. ***Under no circumstances should this Regulation be interpreted or used as an instrument of mass surveillance and monitoring.***

Amendment 387
Carles Puigdemont i Casamajó
Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. ***That includes the use of end-to-end encryption technology, which is an important tool to guarantee the security and confidentiality of the communications of users, including those of children.*** When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

Amendment

(26) The measures taken by providers of hosting services and providers of publicly available interpersonal communications services to execute detection orders addressed to them should remain strictly limited to what is specified in this Regulation and in the detection orders issued in accordance with this Regulation. In order to ensure the effectiveness of those measures, allow for tailored solutions, remain technologically neutral, and avoid circumvention of the detection obligations, those measures should be taken regardless of the technologies used by the providers concerned in connection to the provision of their services. Therefore, this Regulation leaves to the provider concerned the choice of the technologies to be operated to comply effectively with detection orders and should not be understood as incentivising or disincentivising the use of any given technology, provided that the technologies and accompanying measures meet the requirements of this Regulation. When executing the detection order, providers should take all available safeguard measures to ensure that the technologies employed by them cannot be used by them or their employees for purposes other than compliance with this Regulation, nor by third parties, and thus to avoid undermining the security and confidentiality of the communications of users.

Amendment 388

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) Encryption is important to ensure the enjoyment of all human rights offline and online. Moreover, encryption technologies contribute in a fundamental way both to the respect for private life and confidentiality of communications, as well as to innovation and the growth of the digital economy, which relies on the high level of trust and confidence that such technologies provide. In the context of interpersonal communications, end-to-end encryption ('E2EE') is a crucial tool for ensuring the confidentiality of electronic communications, as it provides strong technical safeguards against access to the content of the communications by anyone other than the sender and the recipient(s), including by the provider. It should be noted that while E2EE is one of the most commonly used security measures in the context of electronic communications, other technical solutions (e.g., the use of other cryptographic schemes) might be or become equally important to secure and protect the confidentiality of digital communications. Thus, their use should not be prevented, circumvented or weakened either.

Amendment 389

Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Karen Melchior, Lukas Mandl, Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari, Rob Rooker

Proposal for a regulation

Recital 26 a (new)

(26a) End-to-end encryption is an essential tool to guarantee the security, privacy and confidentiality of the communications between users, including those of children. Any weakening of the end-to-end encryption's effect could potentially be abused by malicious third parties. Nothing in this Regulation should therefore be interpreted as prohibiting or compromising the integrity and confidentiality of end-to-end encrypted content and communications. As compromising the integrity of end-to-end encrypted content and communications shall be understood the processing of any data, that would compromise or put at risk the integrity and confidentiality of the aforementioned end-to-end encrypted content. Nothing in this regulation shall thus be interpreted as justifying client-side scanning with side-channel leaks or other measures by which the provider of a hosting service or a provider of interpersonal communication services provide third party actors access to the end-to-end encrypted content and communications.

Or. en

Justification

The integrity and confidentiality of end-to-end encrypted content and communications is essential for the confidentiality of digital correspondence and hence a prerequisite for the right to respect for private and family life and the right to protection of personal data as enshrined in Articles 7 and 8 of the Charter of the Fundamental Rights of the European Union (2000/C364/01). Client-side scanning with side-channel leaks is an example of a practice that, while not necessarily 'weakening' the end-to-end encryption, still puts the integrity and confidentiality of the end-to-end encrypted content and communications at risk.

Amendment 390

Carles Puigdemont i Casamajó

Proposal for a regulation

Recital 26 a (new)

(26a) End-to-end encryption is an important tool to guarantee the security and confidentiality of the communications of users, including those of children. Any weakening of the end-to-end encryption could potentially be abused by malicious third parties. Nothing in this Regulation should therefore be interpreted as prohibiting or weakening end-to-end encryption. However, to the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, providers should be authorised by the competent judicial authority or another independent administrative authority to process metadata that can detect suspicious patterns of behaviour without having access to the content of the encrypted communication.

Or. en

Amendment 391

Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) End-to-end encryption is vital for the security and privacy of the communications of users. The detection obligations set out in this regulation should therefore not apply to end-to-end encryption services, since it risks jeopardizing the integrity of such services. Consequently, the encryption should remain confidential without the possibility of side channel-leak mechanism built in from the service providers, which would endanger the privacy of users.

Or. en

Amendment 392
Rob Rooker
Proposal for a regulation
Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) The act of ‘breaking’ encryption refers to the act of defeating or bypassing the encryption protocol used to secure a communication. Any access by any third-party that was not meant to access, read or edit the content of that communication that was supposed to be private and secure should be considered as bypassing encryption.

Or. en

Amendment 393
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Recital 26 b (new)

Text proposed by the Commission

Amendment

(26b) The principle of data protection by design and by default laid down in Article 25 of Regulation (EU) 2016/679 applies to the technologies regulated by the Proposal by virtue of law.

Or. en

Amendment 394
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 27

Text proposed by the Commission

Amendment

(27) In order to facilitate the providers’ compliance with the detection obligations, the EU Centre should make available to providers detection technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them.

deleted

The European Data Protection Board should be consulted on those technologies and the ways in which they should be best deployed to ensure compliance with applicable rules of Union law on the protection of personal data. The advice of the European Data Protection Board should be taken into account by the EU Centre when compiling the lists of available technologies and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers may operate the technologies made available by the EU Centre or by others or technologies that they developed themselves, as long as they meet the requirements of this Regulation.

Or. en

Amendment 395

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers **detection** technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them. The European Data Protection Board should be consulted on those technologies and the ways in which they should **be best** deployed **to ensure** compliance with applicable **rules of** Union law on the protection of personal data. The **advice** of the European Data Protection Board should be taken into account by the EU Centre **when compiling the lists of available technologies** and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers may operate the

Amendment

(27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them. The European Data Protection Board should be consulted on **the acceptability or otherwise of** those technologies and the ways in which they should **bet** deployed, **if at all, in** compliance with applicable Union law on the protection of personal data. The **authoritative position** of the European Data Protection Board should be **fully** taken into account by the EU Centre and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers may operate the technologies made available by

technologies made available by the EU Centre or by others or technologies that they developed themselves, as long as they meet the requirements of this Regulation.

the EU Centre or by others or technologies that they developed themselves, as long as they meet the requirements of this Regulation ***and other applicable EU law, such as Regulation 2016/679. These technologies should be independently audited as regards their performance and reliability, and the benchmarks used as well as the results of the independent audit shall be made public.***

Or. en

Amendment 396
Annalisa Tardino
Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers detection technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them. The European Data Protection Board should be consulted on those technologies and the ways in which they should be best deployed to ensure compliance with applicable rules of Union law on the protection of personal data. The advice of the European Data Protection Board should be taken into account by the EU Centre when compiling the lists of available technologies and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers may operate the technologies made available by the EU Centre or by others or technologies that they developed themselves, as long as they meet the requirements of this Regulation.

Amendment

(27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers detection technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them. The European Data Protection Board should be consulted on ***the use of*** those technologies and the ways in which they should be best deployed to ensure compliance with applicable rules of Union law on the protection of personal data. The advice of the European Data Protection Board should be taken into account by the EU Centre when compiling the lists of available technologies and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers may operate the technologies made available by the EU Centre or by others or technologies that they developed themselves, as long as they meet the requirements of this Regulation.

Or. en

Amendment 397
Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers detection technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them. The European Data Protection Board **should** be consulted on those technologies and the ways in which they should be best deployed to ensure compliance with applicable rules of Union law on the protection of personal data. The advice of the European Data Protection Board **should** be taken into account by the EU Centre when compiling the lists of available technologies and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers may operate the technologies made available by the EU Centre or by others or technologies that they developed themselves, as long as they meet the requirements of this Regulation.

Amendment

(27) In order to facilitate the providers' compliance with the detection obligations, the EU Centre should make available to providers detection technologies that they may choose to use, on a free-of-charge basis, for the sole purpose of executing the detection orders addressed to them. The European Data Protection Board **must** be consulted on those technologies and the ways in which they should be best deployed to ensure compliance with applicable rules of Union law on the protection of personal data. The advice of the European Data Protection Board **must** be taken into account by the EU Centre when compiling the lists of available technologies and also by the Commission when preparing guidelines regarding the application of the detection obligations. The providers may operate the technologies made available by the EU Centre or by others or technologies that they developed themselves, as long as they meet the requirements of this Regulation.

Or. en

Amendment 398
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) Since the consultation of the EDPB by the EU Center is a new task not foreseen under either Regulation 2016/679, Regulation 2018/1725 or Directive 2016/680, the EDPB budget and staffing should be adapted accordingly. The situation of national authorities, who too will be regularly consulted by service providers, should also reflect their

increased responsibilities.

Or. en

Amendment 399

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) The Commission shall ensure in the draft general budget of the Union that the European Data Protection Board and European Data Protection Supervisor are provided with sufficient human, technical and financial resources, premises and infrastructure necessary for the effective performance of its tasks and exercise of its powers pursuant to this Regulation.

Or. en

Amendment 400

Fabienne Keller

Proposal for a regulation

Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) Due to the nature of child sexual abuse materials, the sharing of those contents does not stop at border. The competent authorities and the EU Centre should therefore have a cooperation procedure with the American NCMEC (The National Center for Missing and Exploited Children) to detect and remove those contents more effectively.

Or. en

Amendment 401

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Hélène Fritzon,

Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer
Proposal for a regulation
Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) To the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, it should be possible for the Coordinating Authority of establishment to authorise providers to process metadata.

Or. en

Amendment 402
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 28

Text proposed by the Commission

Amendment

(28) With a view to constantly assess the performance of the detection technologies and ensure that they are sufficiently reliable, as well as to identify false positives and avoid to the extent erroneous reporting to the EU Centre, providers should ensure human oversight and, where necessary, human intervention, adapted to the type of detection technologies and the type of online child sexual abuse at issue. Such oversight should include regular assessment of the rates of false negatives and positives generated by the technologies, based on an analysis of anonymised representative data samples. In particular where the detection of the solicitation of children in publicly available interpersonal communications is concerned, service providers should ensure regular, specific and detailed human oversight and human verification of conversations identified by the technologies as involving potential solicitation of children.

deleted

Amendment 403**Patrick Breyer**

on behalf of the Verts/ALE Group

Proposal for a regulation**Recital 28***Text proposed by the Commission*

(28) With a view to constantly assess the performance of the detection technologies and ensure that they are sufficiently **reliable**, as well as to identify false positives and avoid **to the extent** erroneous reporting to the EU Centre, **providers** should ensure human oversight and, where necessary, human intervention, adapted to the type of detection technologies and the type of online child sexual abuse at issue. Such oversight should include regular assessment of the rates of false negatives and positives generated by the technologies, based on an analysis of anonymised representative data samples. ***In particular where the detection of the solicitation of children in publicly available interpersonal communications is concerned, service providers should ensure regular, specific and detailed human oversight and human verification of conversations identified by the technologies as involving potential solicitation of children.***

Amendment

(28) With a view to constantly assess the performance of the detection technologies and ensure that they are sufficiently **accurate**, as well as to identify false positives and **false negatives and to** avoid erroneous reporting to the EU Centre, **law enforcement** should ensure **adequate** human oversight and, where necessary, human intervention, adapted to the type of detection technologies and the type of online child sexual abuse at issue. Such oversight should include regular assessment of the rates of false negatives and positives generated by the technologies, based on an analysis of anonymised representative data samples **forwarded by providers.**

Or. en

Justification

It is absolutely not the role of non-specialised staff of private companies to analyse the communications of private individuals and to guess their motivations.

Amendment 404**Vincenzo Sofo, Jadwiga Wiśniewska****Proposal for a regulation****Recital 28***Text proposed by the Commission**Amendment*

(28) With a view to constantly assess the performance of the detection technologies and ensure that they are sufficiently reliable, *as well as to identify* false positives and avoid to the extent erroneous reporting to the EU Centre, providers should ensure human oversight and, where necessary, human intervention, adapted to the type of detection technologies and the type of online child sexual abuse at issue. Such oversight should include regular assessment of the rates of false negatives and positives generated by the technologies, based on an analysis of anonymised representative data samples. In particular where the detection of the solicitation of children in publicly available interpersonal communications is concerned, service providers should ensure regular, specific and detailed human oversight and human verification of conversations identified by the technologies as involving potential solicitation of children.

(28) With a view to constantly assess the performance of the detection technologies and ensure that they are sufficiently reliable, *do not produce too many* false positives *identifying the reasons for their appearance*, and avoid to the extent erroneous reporting to the EU Centre, providers should ensure *stringent* human oversight and, where necessary *and required to uphold the highest possible standards*, human intervention, adapted to the type of detection technologies and the type of online child sexual abuse at issue. Such oversight should include regular *and independent* assessment of the rates of false negatives and positives generated by the technologies, based on an analysis of anonymised representative data samples. In particular where the detection of the solicitation of children in publicly available interpersonal communications is concerned, service providers should ensure regular, specific and detailed human oversight and human verification of conversations identified by the technologies as involving potential solicitation of children.

Or. en

Amendment 405
Annalisa Tardino
Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) With a view to constantly assess the performance of the detection technologies and ensure that they are sufficiently reliable, as well as to identify false positives and avoid to the extent erroneous reporting to the EU Centre, providers should ensure human oversight and, where necessary, human intervention, adapted to the type of detection technologies and the type of online child sexual abuse at issue. Such oversight should include regular assessment of the rates of false negatives

Amendment

(28) With a view to constantly assess the performance of the detection technologies and ensure that they are sufficiently reliable, as well as to identify false positives and avoid to the extent erroneous reporting to the EU Centre, providers should ensure human oversight and, where necessary, human intervention, adapted to the type of detection technologies and the type of online child sexual abuse at issue. Such oversight should include regular assessment of the rates of false negatives

and positives generated by the technologies, based on an analysis of anonymised representative data samples. In particular where the detection of the solicitation of children in publicly available interpersonal communications is concerned, service providers should ensure regular, specific and detailed human oversight and human verification of conversations identified by the technologies as involving potential solicitation of children.

and positives generated by the technologies, based on an analysis of anonymised representative data samples. In particular where the detection of the solicitation of children in publicly available interpersonal communications is concerned, service providers should ensure regular, specific and detailed human oversight and human verification of conversations identified by the technologies as involving potential solicitation of children. ***Providers should ensure that staff carrying out such task is adequately trained.***

Or. en

Amendment 406
Rob Rooken
Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) With a view to constantly assess the performance of the detection technologies and ensure that they are sufficiently reliable, as well as to identify false positives and avoid to the extent erroneous reporting to the EU Centre, providers should ensure human oversight and, where necessary, human intervention, adapted to the type of detection technologies and the type of online child sexual abuse at issue. Such oversight should include regular assessment of the rates of false negatives and positives generated by the technologies, based on an analysis of anonymised representative data samples. In particular where the detection of the solicitation of children in publicly available interpersonal communications is concerned, service providers should ensure regular, specific and detailed human oversight and human verification of conversations identified by the technologies as involving potential solicitation of children.

Amendment

(28) With a view to constantly assess the performance of the detection technologies and ensure that they are sufficiently reliable, as well as to identify false positives and avoid to the extent erroneous reporting to the EU Centre, providers should ensure human oversight and, where necessary, human intervention, adapted to the type of detection technologies and the type of online child sexual abuse at issue. Such oversight should include regular assessment of the rates of false negatives and positives generated by the technologies, based on an analysis of anonymised representative data samples. In particular where the detection of the solicitation of children in publicly available ***number independent*** interpersonal communications is concerned, service providers should ensure regular, specific and detailed human oversight and human verification of conversations identified by the technologies as involving potential solicitation of children.

Amendment 407
Jadwiga Wiśniewska
Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) Providers of hosting services and providers of publicly available interpersonal communications services are uniquely positioned to detect potential online child sexual abuse involving their services. The information that they may obtain when offering their services is often indispensable to effectively investigate and prosecute child sexual abuse offences. Therefore, they should be required to report on potential online child sexual abuse on their services, whenever they become aware of it, that is, when there are reasonable grounds to believe that a particular activity may constitute online child sexual abuse. Where such reasonable grounds exist, doubts about the potential victim's age should not prevent those providers from submitting reports. In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. Such awareness could, for example, be obtained through the execution of detection orders, information flagged by users or organisations acting in the public interest against child sexual abuse, or activities conducted on the providers' own initiative. Those providers should report a minimum of information, as specified in this Regulation, for competent law enforcement authorities to be able to assess whether to initiate an investigation, where relevant, and should ensure that the reports are as complete as possible before submitting them.

Amendment

(29) Providers of hosting services and providers of publicly available interpersonal communications services are uniquely positioned to detect potential online child sexual abuse involving their services. The information that they may obtain when offering their services is often indispensable to effectively investigate and prosecute child sexual abuse offences. Therefore, they should be required to report on potential online child sexual abuse on their services, whenever they become aware of it, that is, when there are reasonable grounds to believe that a particular activity may constitute online child sexual abuse. ***In such a case, hosting providers and providers of publicly available interpersonal communication services should be required to secure the disclosed child sexual abuse material and any metadata they hold about that material, including metadata which may indicate the author of the file, the time and circumstances of its creation and the modifications made.***

Where such reasonable grounds exist, doubts about the potential victim's age should not prevent those providers from submitting reports. In the interest of effectiveness, it should be immaterial in

which manner they obtain such awareness. Such awareness could, for example, be obtained through the execution of detection orders, information flagged by users or organisations acting in the public interest against child sexual abuse, or activities conducted on the providers' own initiative. Those providers should report a minimum of information, as specified in this Regulation, for competent law enforcement authorities to be able to assess whether to initiate an investigation, where relevant, and should ensure that the reports are as complete as possible before submitting them. ***In the event of an investigation, providers should provide any electronic evidence in their possession, as indicated above, upon request by law enforcement authorities.***

Or. en

Amendment 408
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) Providers of hosting services and providers of publicly available interpersonal communications services ***are uniquely positioned to detect potential online child sexual abuse involving their services. The information that they may obtain when offering their services is often indispensable to effectively investigate and prosecute child sexual abuse offences. Therefore, they*** should be required to report on potential online child sexual abuse on their services, whenever they become aware of it, that is, when there are ***reasonable*** grounds to believe that a particular activity may constitute online child sexual abuse. ***Where such reasonable grounds exist, doubts about the potential victim's age should not prevent those providers from submitting reports.*** In the interest of effectiveness, it

Amendment

(29) Providers of hosting services and providers of publicly available ***number independent*** interpersonal communications services should be required to report on potential online child sexual abuse on their services, whenever they become aware of it, that is, when there are ***serious*** grounds to believe that a particular activity may constitute online child sexual abuse. In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. Such awareness could, for example, be obtained through information flagged by users or organisations acting in the public interest against child sexual abuse, or activities conducted on the providers' own initiative. ***Wherever possible,*** those providers should report a minimum of information, as specified in this Regulation, for competent law

should be immaterial in which manner they obtain such awareness. Such awareness could, for example, be obtained through ***the execution of detection orders***, information flagged by users or organisations acting in the public interest against child sexual abuse, or activities conducted on the providers' own initiative. Those providers should report a minimum of information, as specified in this Regulation, for competent law enforcement authorities to be able to assess whether to initiate an investigation, where relevant, and should ensure that the reports are as complete as possible before submitting them.

enforcement authorities to be able to assess whether to initiate an investigation, where relevant, and should ensure that the reports are as complete as possible before submitting them.

Or. en

Amendment 409

Rob Rooken

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Providers of hosting services and providers of publicly available interpersonal communications services ***are uniquely positioned to detect potential online child sexual abuse involving their services. The information that they may obtain when offering their services is often indispensable to effectively investigate and prosecute child sexual abuse offences. Therefore, they should be required to report on potential*** online child sexual abuse on their services, whenever they become aware of it, that is, when there are ***reasonable*** grounds to believe that a particular activity may constitute online child sexual abuse. ***Where such reasonable grounds exist, doubts about the potential victim's age should not prevent those providers from submitting reports.*** In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. Such awareness could, for example, be obtained through

Amendment

(29) Providers of hosting services and providers of publicly available ***number independent*** interpersonal communications services should report on online child sexual abuse on their services, whenever they become aware of it, that is, when there are ***serious*** grounds to believe that a particular activity may constitute online child sexual abuse. In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. Such awareness could, for example, be obtained through the execution of detection orders, information flagged by users or organisations acting in the public interest against child sexual abuse, or activities conducted on the providers' own initiative. ***Wherever possible***, those providers should report a minimum of information, as specified in this Regulation, for competent law enforcement authorities to be able to assess whether to initiate an investigation, where relevant, and should ensure that the

the execution of detection orders, information flagged by users or organisations acting in the public interest against child sexual abuse, or activities conducted on the providers' own initiative. Those providers should report a minimum of information, as specified in this Regulation, for competent law enforcement authorities to be able to assess whether to initiate an investigation, where relevant, and should ensure that the reports are as complete as possible before submitting them.

reports are as complete as possible before submitting them.

Or. en

Justification

Recital 29 goes very far legally, requiring providers of interpersonal communications services to report even on "potential" instances of CSA, suggesting that all providers should proactively "detect" such content. Such requirements seem to be too far reaching. Changes are introduced to make sure that the recital remains proportionate and to ensure efficient protection of users' fundamental rights.

Amendment 410

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Providers of hosting services and providers of publicly available interpersonal communications services are uniquely positioned to detect potential online child sexual abuse involving their services. The information **that they** may obtain when offering their services is often indispensable to effectively investigate and prosecute child sexual abuse offences. Therefore, they should be required to report **on** potential online child sexual abuse on their services, whenever they become aware of it, that is, when there are reasonable grounds to believe that a particular activity may constitute online child sexual abuse. **Where such reasonable grounds exist, doubts about**

Amendment

(29) The information **providers** may obtain when offering their services is often indispensable to effectively investigate and prosecute child sexual abuse offences. Therefore, they should be required to report potential online child sexual abuse on their services, whenever they become aware of it, that is, when there are reasonable grounds to believe that a particular activity may constitute online child sexual abuse. In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. **However, nothing in this Regulation should be interpreted as providing for a legal basis for the processing of personal data for the sole purpose of detecting**

the potential victim's age should not prevent those providers from submitting reports. In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. ***Such awareness could, for example, be obtained through the execution of detection orders, information flagged by users or organisations acting in the public interest against child sexual abuse, or activities conducted on the providers' own initiative.*** Those providers should report a minimum of information, as specified in this Regulation, for competent law enforcement authorities to be able to assess whether to initiate an investigation, where relevant, and should ensure that the reports are as complete as possible before submitting them.

online child sexual abuse on a voluntary basis where a detection order has not been issued. Those providers should report a minimum of information, as specified in this Regulation, for competent law enforcement authorities to be able to assess whether to initiate an investigation, where relevant, and should ensure that the reports are as complete as possible before submitting them.

Or. en

Justification

The first deleted sentence is demonstrably false.

The second deleted sentence creates unnecessary confusion as to what "reasonable grounds" means.

The third deleted sentence unnecessarily explains "immaterial", whose meaning is entirely clear.

Amendment 411

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Providers of hosting services and providers of publicly available interpersonal communications services are uniquely positioned to detect potential online child sexual abuse involving their services. The information that they may obtain when offering their services is often indispensable to effectively investigate and prosecute child sexual abuse offences. Therefore, they should be required to

Amendment

(29) Providers of hosting services and providers of publicly available interpersonal communications services are uniquely positioned to detect potential online child sexual abuse involving their services. The information that they may obtain when offering their services is often indispensable to effectively investigate and prosecute child sexual abuse offences. Therefore, they should be required to

report on potential online child sexual abuse on their services, whenever they become aware of it, that is, when there are reasonable grounds to believe that a particular activity may constitute online child sexual abuse. Where such reasonable grounds exist, doubts about the potential victim's age should not prevent those providers from submitting reports. In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. ***Such awareness could, for example, be obtained through the execution of detection orders,*** information flagged by users ***or organisations*** acting in the public interest against child sexual abuse, ***or activities conducted on the providers' own initiative.*** Those providers should report a minimum of information, as specified in this Regulation, for competent law enforcement authorities to be able to assess whether to initiate an investigation, where relevant, and should ensure that the reports are as complete as possible before submitting them.

report on potential online child sexual abuse on their services, whenever they become aware of it, that is, when there are reasonable grounds to believe that a particular activity may constitute online child sexual abuse. Where such reasonable grounds exist, doubts about the potential victim's age should not prevent those providers from submitting reports. In the interest of effectiveness, it should be immaterial in which manner they obtain such awareness. ***The providers can obtain such actual knowledge or awareness, inter alia, through its own initiative investigations, as well as through information flagged or notified by users, self-reported by victims or organizations, such as hotlines,*** acting in the public interest against child sexual abuse. Those providers should report a minimum of information, as specified in this Regulation, for competent law enforcement authorities to be able to assess whether to initiate an investigation, where relevant, and should ensure that the reports are as complete as possible before submitting them ***so that competent law enforcement authorities can focus on reports that are most likely to lead to recovery of a child, the arrest of an offender, or both.***

Or. en

Amendment 412
Jadwiga Wiśniewska
Proposal for a regulation
Recital 29 a (new)

Text proposed by the Commission

Amendment

(29a) It is also crucial that hosting providers and providers of publicly available interpersonal communication services cooperate with law enforcement in relation to the detection of potential online child abuse and the possession of key electronic evidence necessary for the proper prosecution of child sexual abuse cases. Therefore, in order to ensure the

effective use of secured child sexual abuse material, it is necessary to legally ensure that providers secure not only the media files and instant messaging content themselves, but also their metadata.

Metadata is information about documents/files relating to their content, technical and physical parameters. It also includes information such as the time and place of their creation, information about the devices used in their creation, and about the modifications made to the files. It is reasonable to expect service providers, in the event of the disclosure of child sexual abuse content, to secure it and then hand over, at the request of law enforcement authorities, any data indicated above that constitute electronic evidence in the case. It should be stressed that metadata can constitute important evidence, which will be important for law enforcement in the course of an investigation, and its ephemeral and easily modifiable nature requires it to be secured immediately, as it can contribute to the identification not only of the perpetrator and other persons linked to the uploaded content, but also of the victims

Or. en

Amendment 413
Vincenzo Sofo, Jadwiga Wiśniewska
Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent judicial authorities or independent administrative authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided

Amendment

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection. ***Any removal or disabling of access should respect the fundamental rights of the users of the service, including the right to freedom of expression and of information.*** Coordinating Authorities of establishment should have the power to request competent judicial authorities or

the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

independent administrative authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Or. en

Amendment 414

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent judicial ***authorities or independent administrative*** authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Amendment

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent judicial authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences. ***Users should be notified in any case whenever a report concerning them is submitted by the EU Center to a competent national authority, in order to be able to exercise their right of redress.***

Or. en

Amendment 415

Annalisa Tardino

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent judicial authorities or independent administrative authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Amendment

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection **and in order to stop or limit its dissemination**, Coordinating Authorities of establishment should have the power to request competent judicial authorities or independent administrative authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Or. en

Amendment 416
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) To ensure that online child sexual abuse material is removed as swiftly as possible **after its detection**, Coordinating Authorities of establishment should have the power to request competent judicial authorities or independent administrative authorities to issue a removal order addressed to providers of hosting services. As removal **or disabling of access** may affect the right of users who have provided the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities

Amendment

(30) To ensure that online child sexual abuse material is removed as swiftly as possible. Coordinating Authorities of establishment should have the power to request competent judicial authorities or independent administrative authorities to issue a removal order addressed to providers of hosting services. As removal may affect the right of users who have provided the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation

for the prevention, detection, investigation and prosecution of child sexual abuse offences.

and prosecution of child sexual abuse offences.

Or. en

Amendment 417

Maite Pagazaurtundúa, Moritz Körner

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent judicial ***authorities or independent administrative*** authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Amendment

(30) To ensure that online child sexual abuse material is removed as swiftly as possible after its detection, Coordinating Authorities of establishment should have the power to request competent judicial authorities to issue a removal order addressed to providers of hosting services. As removal or disabling of access may affect the right of users who have provided the material concerned, providers should inform such users of the reasons for the removal, to enable them to exercise their right of redress, subject to exceptions needed to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Or. en

Amendment 418

Cornelia Ernst, Clare Daly

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) The obligations of this Regulation do not apply to providers of hosting services that do not offer their services in the Union. However, such services may still be used to disseminate child sexual abuse material to or by users in the Union, causing harm to children and society at large, even if the providers'

Amendment

deleted

activities are not targeted towards Member States and the total numbers of users of those services in the Union are limited. For legal and practical reasons, it may not be reasonably possible to have those providers remove or disable access to the material, not even through cooperation with the competent authorities of the third country where they are established. Therefore, in line with existing practices in several Member States, it should be possible to require providers of internet access services to take reasonable measures to block the access of users in the Union to the material.

Or. en

Amendment 419

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) The obligations of this Regulation do not apply to providers of hosting services that do not offer their services in the Union. However, such services may still be used to disseminate child sexual abuse material to or by users in the Union, causing harm to children and society at large, even if the providers' activities are not targeted towards Member States and the total numbers of users of those services in the Union are limited. ***For legal and practical reasons, it may not be reasonably possible to have those providers remove or disable access to the material, not even through cooperation with the competent authorities of the third country where they are established. Therefore, in line with existing practices in several Member States, it should be possible to require providers of internet access services to take reasonable measures to block the access of users in***

Amendment

(32) The obligations of this Regulation do not apply to providers of hosting services that do not offer their services in the Union. However, such services may still be used to disseminate child sexual abuse material to or by users in the Union, causing harm to children and society at large, even if the providers' activities are not targeted towards Member States and the total numbers of users of those services in the Union are limited. ***As every country in the world has ratified either the UN Convention on the Rights of the Child or its optional Protocol on Child Pornography, it should always be possible to have those providers remove or disable access to the material. Where problems arise in relation to specific jurisdictions, all possible diplomatic pressure should be brought to bear by the Commission and Member States to remedy the situation.***

the Union to the material.

Or. en

Amendment 420

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 33

Text proposed by the Commission

Amendment

(33) In the interest of consistency, efficiency and effectiveness and to minimise the risk of circumvention, such blocking orders should be based on the list of uniform resource locators, leading to specific items of verified child sexual abuse, compiled and provided centrally by the EU Centre on the basis of diligently verified submissions by the relevant authorities of the Member States. In order to avoid the taking of unjustified or disproportionate measures, especially those that would unduly affect the fundamental rights at stake, notably, in addition to the rights of the children, the users' freedom of expression and information and the providers' freedom to conduct a business, appropriate limits and safeguards should be provided for. In particular, it should be ensured that the burdens imposed on the providers of internet access services concerned are not unreasonable, that the need for and proportionality of the blocking orders is diligently assessed also after their issuance and that both the providers and the users affected have effective means of judicial as well as non-judicial redress. *deleted*

Or. en

Amendment 421

Cornelia Ernst, Clare Daly

Proposal for a regulation

Recital 33

Text proposed by the Commission

Amendment

(33) *In the interest of consistency, efficiency and effectiveness and to minimise the risk of circumvention, such blocking orders should be based on the list of uniform resource locators, leading to specific items of verified child sexual abuse, compiled and provided centrally by the EU Centre on the basis of diligently verified submissions by the relevant authorities of the Member States. In order to avoid the taking of unjustified or disproportionate measures, especially those that would unduly affect the fundamental rights at stake, notably, in addition to the rights of the children, the users' freedom of expression and information and the providers' freedom to conduct a business, appropriate limits and safeguards should be provided for. In particular, it should be ensured that the burdens imposed on the providers of internet access services concerned are not unreasonable, that the need for and proportionality of the blocking orders is diligently assessed also after their issuance and that both the providers and the users affected have effective means of judicial as well as non-judicial redress.*

deleted

Or. en

Amendment 422
Annalisa Tardino
Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) *The* dissemination of child sexual abuse material is a criminal offence that affects the rights of the victims depicted. Victims should therefore have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant information if known child sexual abuse material depicting them is reported by providers of hosting services or

Amendment

(35) *Any* dissemination of child sexual abuse **material, including the non-consensual dissemination of self-generated** material is a criminal offence that affects the rights of the victims depicted. **Repeated dissemination of child sexual abuse material constitutes a form of revictimisation which could cause long-lasting negative consequences on**

providers of publicly available interpersonal communications services in accordance with this Regulation.

the victim. Victims should therefore have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant information if known child sexual abuse material depicting them is reported by providers of hosting services or providers of publicly available interpersonal communications services in accordance with this Regulation. ***Staff dealing with such cases shall be specifically trained to interact with victims of serious abuse.***

Or. en

Amendment 423
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) The dissemination of child sexual abuse material is a criminal offence that affects the rights of the ***victims*** depicted. ***Victims*** should therefore have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant information if known child sexual abuse material depicting them is reported by providers of hosting services or providers of publicly available interpersonal communications services in accordance with this Regulation.

Amendment

(35) The dissemination of child sexual abuse material is a criminal offence that affects the rights of the ***survivors*** depicted. ***Survivors*** should therefore have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant information if known child sexual abuse material depicting them is reported by providers of hosting services or providers of publicly available interpersonal communications services in accordance with this Regulation ***and have the right to request the deletion of this child sexual abuse material. In such a case, survivors should have the right to obtain relevant information, upon request, from the EU Centre via the Coordinating Authorities.***

Or. en

Amendment 424
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) The dissemination of child sexual abuse material is a criminal offence that affects the rights of the victims depicted. Victims should therefore have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant information if known child sexual abuse material depicting them is reported by providers of hosting services or providers of publicly available interpersonal communications services in accordance with this Regulation.

Amendment

(35) The dissemination of child sexual abuse material is a criminal offence that affects the rights of the victims depicted. Victims ***or their approved formal representative*** should therefore have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant information if known child sexual abuse material depicting them is reported ***or has been removed*** by providers of hosting services or providers of publicly available ***number-independent*** interpersonal communications services in accordance with this Regulation.

Or. en

Amendment 425

Rob Rooken

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) The dissemination of child sexual abuse material is a criminal offence that affects the rights of the victims depicted. Victims should therefore have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant information if known child sexual abuse material depicting them is reported by providers of hosting services or providers of publicly available interpersonal communications services in accordance with this Regulation.

Amendment

(35) The dissemination of child sexual abuse material is a criminal offence that affects the rights of the victims depicted. Victims should therefore have the right to obtain, upon request, from the EU Centre yet via the Coordinating Authorities, relevant information if known child sexual abuse material depicting them is reported by providers of hosting services or providers of publicly available ***number independent*** interpersonal communications services in accordance with this Regulation.

Or. en

Amendment 426

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 35 a (new)

Text proposed by the Commission

Amendment

(35a) As pointed out in the Commission Strategy ^{1a}, children themselves need to have the knowledge and tools that could help them not to be confronted with the abuse when possible and they need to be informed that certain behaviours are not acceptable. The Commission-funded network of Safer Internet Centres raises awareness on online safety and provides information, resources and assistance via helplines and hotlines on a wide range of digital safety topics including grooming and sexting. The One in Five campaign by the Council of Europe and Europol's "#SayNo" initiative are further examples of how this can be done. When abuse occurs, children need to feel secure and empowered to speak up, react and report, even when the abuse comes from within their circle of trust, as it is often the case. They also need to have access to safe, accessible and age-appropriate channels to report the abuse without fear. As stated in the Recommendation of the UN Committee on the Rights of the Child ^{1b}, state parties should ensure that digital literacy is taught in schools, as part of basic education curricula, from the preschool level and throughout all school years, and that such pedagogies are assessed on the basis of their results. Curricula should include the knowledge and skills to safely handle a wide range of digital tools and resources, including those relating to content, creation, collaboration, participation, socialization and civic engagement EU strategy for a more effective fight against child sexual abuse.

^{1a} COM(2020) 607 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU strategy for a more effective fight against child sexual

abuse

^{1b} CRC/C/GC/25 , General comment No. 25 (2021) on children's rights in relation to the digital environment from UN Committee on the Rights of the Child

Or. en

Amendment 427

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 36

Text proposed by the Commission

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted by the EU Centre in this regard, via the Coordinating Authorities.

Amendment

(36) ***In order to prevent children falling victim to online abuse, providers for which there is evidence that their service is routinely or systematically used for the purpose of online child sexual abuse should provide reasonable assistance, by putting in place alert and alarm mechanisms in a prominent way on their platforms. The alert mechanism could consist of, for example, linking potential victims to the local services such as helplines, victims' rights and support organisations or hotlines. They should ensure adequate follow-up, when a report or alert is made, in the language chosen by the user for using their service.*** Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist victims who request the removal or disabling of access of the material in question. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the

provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to *receive adequate psycho-social, child friendly and gender-sensitive support and to be assisted by the EU Centre and its relevant partners, such as child helplines or other psycho-social support mechanisms* in this regard, via the Coordinating Authorities. *Member States should establish and improve the functioning of child helplines and hotlines, including through funding and capacity building, in line with article 96 of Directive (EU) 2018/1972. Victim identification is key not only for tracking down online child sexual abuse but also to prevent victimisation, and to stop further spread of damaging material and to ensure that victims can benefit from available assistance. Such victim identification however, requires a high degree of specialisation and adequate resources. Therefore the European Cybercrime Centre's efforts in victim identification should be complemented at national level.*

Or. en

Amendment 428
Lucia Ďuriš Nicholsonová, Fabienne Keller
Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist

Amendment

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist

victims who request the removal or disabling of access of the material in question. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted by the EU Centre in this regard, via the Coordinating Authorities.

victims who request the removal or disabling of access of the material in question. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted by the EU Centre in this regard, via the Coordinating Authorities.

Providers should create and run an accessible, age-appropriate and user-friendly mechanism allowing users to flag any instances of potential online child sexual abuse on their platform. The providers should also offer reasonable assistance to the users who report these cases, such as implementing visible alert and alarm systems on their platforms, as well as providing links to local organizations such as hotlines, helplines, or victims' rights organizations, to assist potential victims.

Or. en

Amendment 429
Annalisa Tardino
Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their

Amendment

(36) Given the impact on the rights of victims depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their

services, those providers should assist victims who request the removal or disabling of access of the material in question. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted by **the** EU Centre in this regard, via the Coordinating Authorities.

services, those providers should assist victims **or their legal representatives** who request the removal or disabling of access of the material in question. That assistance should **be user friendly and** remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing or disabling access to the items. Considering that carrying out the activities needed to obtain such removal or disabling of access can be painful or even traumatic as well as complex, victims should also have the right to be assisted by **specifically trained** EU Centre **staff** in this regard, via the Coordinating Authorities.

Or. en

Amendment 430
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) Given the impact on the rights of **victims** depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist **victims** who request the removal **or disabling of access** of the material in question. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the request, the steps needed to locate the items of known child sexual abuse material

Amendment

(36) Given the impact on the rights of **survivors** depicted in such known child sexual abuse material and the typical ability of providers of hosting services to limit that impact by helping ensure that the material is no longer available on their services, those providers should assist **survivors** who request the removal of the material in question **in a timely manner, in order to minimise the impact that such offences have on the physical and mental health of the minor**. That assistance should remain limited to what can reasonably be asked from the provider concerned under the given circumstances, having regard to factors such as the content and scope of the

concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing **or disabling access to** the items. Considering that carrying out the activities needed to obtain such removal **or disabling of access** can be painful or even traumatic as well as complex, **victims** should also have the right to be assisted by the EU Centre in this regard, via the Coordinating Authorities.

request, the steps needed to locate the items of known child sexual abuse material concerned and the means available to the provider. The assistance could consist, for example, of helping to locate the items, carrying out checks and removing the items. Considering that carrying out the activities needed to obtain such removal can be painful or even traumatic as well as complex, **survivors** should also have the right **to receive adequate support and** to be assisted by the EU Centre in this regard, via the Coordinating Authorities.

Or. en

Amendment 431
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 37

Text proposed by the Commission

(37) To ensure the efficient management of such **victim** support functions, **victims** should be allowed to contact and rely on the Coordinating Authority that is most accessible to them, which should channel all communications between **victims** and the EU Centre.

Amendment

(37) To ensure the efficient management of such **survivor** support functions, **survivors** should **be informed about the existence of such functions and** be allowed to contact and rely on the Coordinating Authority that is most accessible to them, which should channel all communications between **survivors** and the EU Centre.

Or. en

Amendment 432
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) For the purpose of facilitating the exercise of the **victims'** right to information and of assistance and support for removal **or disabling of access**, **victims** should be allowed to indicate the relevant item or items of child sexual abuse material in respect of which they are seeking to obtain

Amendment

(38) For the purpose of facilitating the exercise of the **survivors'** right to information and of assistance and support for removal, **survivors** should be allowed to indicate the relevant item or items of child sexual abuse material in respect of which they are seeking to obtain

information or removal ***or disabling of access*** either by means of providing the image or images or the video or videos themselves, or by means of providing the uniform resource locators leading to the specific item or items of child sexual abuse material, or by means of any other representation allowing for the unequivocal identification of the item or items in question.

information or removal either by means of providing the image or images or the video or videos themselves, or by means of providing the uniform resource locators leading to the specific item or items of child sexual abuse material, or by means of any other representation allowing for the unequivocal identification of the item or items in question.

Or. en

Amendment 433
Lucia Ďuriš Nicholsonová
Proposal for a regulation
Recital 44

Text proposed by the Commission

(44) In order to provide clarity and enable effective, efficient and consistent coordination and cooperation both at national and at Union level, where a Member State designates more than one competent authority to apply and enforce this Regulation, it should designate one lead authority as the Coordinating Authority, whilst the designated authority should automatically be considered the Coordinating Authority where a Member State designates only one authority. For those reasons, the Coordinating Authority should act as the single contact point with regard to all matters related to the application of this Regulation, without prejudice to the enforcement powers of other national authorities.

Amendment

(44) In order to provide clarity and enable effective, efficient and consistent coordination and cooperation both at national and at Union level, where a Member State designates more than one competent authority to apply and enforce this Regulation, it should designate one lead authority as the Coordinating Authority, whilst the designated authority should automatically be considered the Coordinating Authority where a Member State designates only one authority. For those reasons, the Coordinating Authority should act as the single contact point with regard to all matters related to the application of this Regulation, without prejudice to the enforcement powers of other national authorities. ***The Coordinating Authority should oversee the implementation of the Regulation, including issues related to prevention, education and awareness raising, and organise and promote regular trainings for officials, including law enforcement authorities, who deal with cases which involve children.***

Or. en

Amendment 434
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 44

Text proposed by the Commission

(44) In order to provide clarity and enable effective, efficient and consistent coordination and cooperation both at national and at Union level, where a Member State designates more than one competent authority to apply and enforce this Regulation, it should designate one lead authority as the Coordinating Authority, whilst the designated authority should automatically be considered the Coordinating Authority where a Member State designates only one authority. For those reasons, the Coordinating Authority should act as the single contact point with regard to all matters related to the application of this Regulation, without prejudice to the enforcement powers of other national authorities.

Amendment

(44) In order to provide clarity and enable effective, efficient and consistent coordination and cooperation both at national and at Union level, where a Member State designates more than one competent authority to apply and enforce this Regulation, it should designate one lead authority as the Coordinating Authority, whilst the designated authority should automatically be considered the Coordinating Authority where a Member State designates only one authority. For those reasons, the Coordinating Authority should act as the single contact point with regard to all matters related to the application of this Regulation, without prejudice to the enforcement powers of other national authorities. ***The Coordinating Authority should oversee issues related to prevention, education and awareness raising, and organise and promote regular trainings for officials, including law enforcement authorities, who deal with cases which involve children.***

Or. en

Amendment 435
Annalisa Tardino
Proposal for a regulation
Recital 44

Text proposed by the Commission

(44) In order to provide clarity and enable effective, efficient and consistent coordination and cooperation both at national and at Union level, where a Member State designates more than one competent authority to apply and enforce this Regulation, it should designate one

Amendment

(44) In order to provide clarity and enable effective, efficient and consistent coordination and cooperation both at national and at Union level, where a Member State designates more than one competent authority to apply and enforce this Regulation, it should designate one

lead authority as the Coordinating Authority, *whilst the designated authority should automatically be considered the Coordinating Authority where a Member State designates only one authority*. For those reasons, the Coordinating Authority should act as the single contact point with regard to all matters related to the application of this Regulation, without prejudice to the enforcement powers of other national authorities.

lead authority as the Coordinating Authority. For those reasons, the Coordinating Authority should act as the single contact point with regard to all matters related to the application of this Regulation, without prejudice to the enforcement powers of other national authorities.

Or. en

Amendment 436
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) Given the need to ensure the effectiveness of the obligations imposed, Coordinating Authorities should be granted enforcement powers to address infringements of this Regulation. *These powers should include the power to temporarily restrict access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place. In light of the high level of interference with the rights of the service providers that such a power entails, the latter should only be exercised when certain conditions are met. Those conditions should include the condition that the infringement results in the regular and structural facilitation of child sexual abuse offences, which should be understood as referring to a situation in which it is apparent from all available evidence that such facilitation has occurred on a large scale and over an extended period of time.*

Amendment

(48) Given the need to ensure the effectiveness of the obligations imposed, Coordinating Authorities should be granted enforcement powers to address infringements of this Regulation.

Or. en

Amendment 437

Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and on the execution of detection orders, removal ***orders or blocking*** orders that it issued, are effectively complied ***in practice***, each Coordinating Authority should be able to carry out ***searches, using the relevant indicators provided by the EU Centre, to detect the dissemination of known or new child sexual abuse material through publicly available material in the hosting services of the providers concerned.***

Amendment

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and on the execution of detection orders ***or*** removal orders that it issued, are effectively complied ***with***, each Coordinating Authority should be able to carry out relevant ***searches***.

Or. en

Amendment 438
Lucia Ďuriš Nicholsonová, Fabienne Keller
Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and on the execution of detection orders, removal orders or blocking orders that it issued, are effectively complied in practice, each Coordinating Authority should be able to carry out searches, using the relevant indicators provided by the EU Centre, to detect the dissemination of known or new child sexual abuse material through publicly available material in the hosting services of the providers concerned.

Amendment

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and on the execution of detection orders, removal orders or blocking orders that it issued, are effectively complied in practice, each Coordinating Authority should be able to carry out searches, using the relevant indicators provided by the EU Centre, ***and reacting timely to the evolving trends of child sexual abuse material dissemination and monetisation***, to detect the dissemination of known or new child sexual abuse material through publicly available material in the hosting services of the providers concerned.

Or. en

Amendment 439
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and ***on the execution of detection orders, removal orders or blocking*** orders that it issued, are effectively complied in practice, each Coordinating Authority should be able to carry out searches, ***using the relevant indicators provided by the EU Centre***, to detect the dissemination of known ***or new*** child sexual abuse material through publicly available material in the hosting services of the providers concerned.

Amendment

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and, removal orders that it issued, are effectively complied in practice, each Coordinating Authority should be able to carry out searches, to detect the dissemination of known child sexual abuse material through publicly available material in the hosting services of the providers concerned.

Or. en

Amendment 440
Carles Puigdemont i Casamajó
Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and on the execution of detection orders, removal ***orders or*** blocking orders that it issued, are effectively complied in practice, each Coordinating Authority should be able to carry out searches, using the relevant indicators provided by the EU Centre, to detect the dissemination of known or new child sexual abuse material through publicly available material in the hosting services of the providers concerned.

Amendment

(49) In order to verify that the rules of this Regulation, in particular those on mitigation measures and on the execution of ***voluntary*** detection orders, ***detection, removal, blocking or delisting*** orders that it issued, are effectively complied in practice, each Coordinating Authority should be able to carry out searches, using the relevant indicators provided by the EU Centre, to detect the dissemination of known or new child sexual abuse material through publicly available material in the hosting services of the providers concerned.

Or. en

Amendment 441
Carles Puigdemont i Casamajó

Proposal for a regulation
Recital 49 a (new)

Text proposed by the Commission

Amendment

(49a) Detection orders, which would require communication service providers to monitor their users' online activities for the purpose of detecting child sexual abuse material (CSAM), should only be imposed as a last resort in cases where a provider is found to be acting in bad faith and failing to cooperate with competent authorities. The use of detection orders should be proportionate, necessary, and subject to strict safeguards, and should only be authorized by a judicial authority or other independent oversight body. In any case, users should not be punished for merely using a communication service, and any measures taken to detect or remove CSAM should be implemented in a manner that respects users' privacy and other fundamental rights.

Or. en

Amendment 442
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Recital 50

Text proposed by the Commission

Amendment

(50) With a view to ensuring that providers of hosting services are aware of the misuse made of their services and to ***afford them an opportunity*** to take expeditious action to remove or disable access ***on a voluntary basis***, Coordinating Authorities of establishment should be able to notify those providers of the presence of known child sexual abuse material on their services and ***requesting*** removal or disabling of access thereof, ***for the providers' voluntary consideration. Such notifying activities should be clearly distinguished from the Coordinating***

(50) With a view to ensuring that providers of hosting services are aware of the misuse made of their services and to ***require them*** to take expeditious action to remove or disable access, Coordinating Authorities of establishment should be able to notify those providers of the presence of known child sexual abuse material on their services and ***order*** removal or disabling of access thereof.

Authorities' powers under this Regulation to request the issuance of removal orders, which impose on the provider concerned a binding legal obligation to remove or disable access to the material in question within a set time period.

Or. en

Justification

If a coordinating body provides actual knowledge of known child sexual abuse material that is being disseminated by criminals on the services of a hosting service provider, removal should be obligatory and not "for the voluntary consideration" of the provider.

Amendment 443

Cornelia Ernst, Clare Daly

Proposal for a regulation

Recital 50

Text proposed by the Commission

(50) With a view to ensuring that providers of hosting services are aware of the misuse made of their services and to afford them an opportunity to take expeditious action to remove ***or disable access*** on a voluntary basis, Coordinating Authorities of establishment should be able to notify those providers of the presence of known child sexual abuse material on their services and requesting removal ***or disabling of access*** thereof, for the providers' voluntary consideration. Such notifying activities should be clearly distinguished from the Coordinating Authorities' powers under this Regulation to request the issuance of removal orders, which impose on the provider concerned a binding legal obligation to remove ***or disable access to*** the material in question within a set time period.

Amendment

(50) With a view to ensuring that providers of hosting services are aware of the misuse made of their services and to afford them an opportunity to take expeditious action to remove on a voluntary basis, Coordinating Authorities of establishment should be able to notify those providers of the presence of known child sexual abuse material on their services and requesting removal thereof, for the providers' voluntary consideration. Such notifying activities should be clearly distinguished from the Coordinating Authorities' powers under this Regulation to request the issuance of removal orders, which impose on the provider concerned a binding legal obligation to remove the material in question within a set time period.

Or. en

Amendment 444

Cornelia Ernst, Clare Daly

Proposal for a regulation

Recital 55

Text proposed by the Commission

Amendment

(55) It is essential for the proper functioning of the system of mandatory detection and blocking of online child sexual abuse set up by this Regulation that the EU Centre receives, via the Coordinating Authorities, material identified as constituting child sexual abuse material or transcripts of conversations identified as constituting the solicitation of children, such as may have been found for example during criminal investigations, so that that material or conversations can serve as an accurate and reliable basis for the EU Centre to generate indicators of such abuses. In order to achieve that result, the identification should be made after a diligent assessment, conducted in the context of a procedure that guarantees a fair and objective outcome, either by the Coordinating Authorities themselves or by a court or another independent administrative authority than the Coordinating Authority. Whilst the swift assessment, identification and submission of such material is important also in other contexts, it is crucial in connection to new child sexual abuse material and the solicitation of children reported under this Regulation, considering that this material can lead to the identification of ongoing or imminent abuse and the rescuing of victims. Therefore, specific time limits should be set in connection to such reporting.

deleted

Or. en

Amendment 445

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 55

Text proposed by the Commission

Amendment

(55) It is essential for the proper functioning of *the system of mandatory detection and blocking of online child sexual abuse set up by this Regulation* that the EU Centre receives, via the Coordinating Authorities, material identified as constituting child sexual abuse material *or transcripts of conversations identified as constituting the solicitation of children*, such as may have been found for example during criminal investigations, so that that material *or conversations* can serve as an accurate and reliable basis for the EU Centre to generate indicators of such abuses. In order to achieve that result, the identification should be made after a diligent assessment, conducted in the context of a procedure that guarantees a fair and objective outcome, either by the Coordinating Authorities themselves or by a court *or another independent administrative authority than the Coordinating Authority*. Whilst the swift assessment, identification and submission of such material is important also in other contexts, it is crucial in connection to new child sexual abuse material *and the solicitation of children reported under this Regulation*, considering that this material can lead to the identification of ongoing or imminent abuse and the rescuing of victims. Therefore, specific time limits should be set in connection to such reporting.

(55) It is essential for the proper functioning of this Regulation that the EU Centre receives, via the Coordinating Authorities, material identified as constituting child sexual abuse material, such as may have been found for example during criminal investigations, so that that material can serve as an accurate and reliable basis for the EU Centre to generate indicators of such abuses. In order to achieve that result, the identification should be made after a diligent assessment, conducted in the context of a procedure that guarantees a fair and objective outcome, either by the Coordinating Authorities themselves or by a court. Whilst the swift assessment, identification and submission of such material is important also in other contexts, it is crucial in connection to new child sexual abuse material, considering that this material can lead to the identification of ongoing or imminent abuse and the rescuing of victims. Therefore, specific time limits should be set in connection to such reporting.

Or. en

Amendment 446

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Recital 55

Text proposed by the Commission

Amendment

(55) It is essential for the proper

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functioning of the system of mandatory detection **and blocking of online** child sexual abuse set up by this Regulation that the EU Centre receives, via the Coordinating Authorities, material identified as constituting child sexual abuse material **or transcripts of conversations identified as constituting the solicitation of children**, such as may have been found for example during criminal investigations, so that that material **or conversations** can serve as an accurate and reliable basis for the EU Centre to generate indicators of such abuses. In order to achieve that result, the identification should be made after a diligent assessment, conducted in the context of a procedure that guarantees a fair and objective outcome, either by the Coordinating Authorities themselves or by a court or another independent administrative authority than the Coordinating Authority. Whilst the swift assessment, identification and submission of such material is important also in other contexts, it is crucial in connection to new child sexual abuse material **and the solicitation of children** reported under this Regulation, considering that this material can lead to the identification of ongoing or imminent abuse and the rescuing of victims. Therefore, specific time limits should be set in connection to such reporting.

functioning of the system of mandatory detection **of** child sexual abuse set up by this Regulation that the EU Centre receives, via the Coordinating Authorities, material identified as constituting child sexual abuse material, such as may have been found for example during criminal investigations, so that that material can serve as an accurate and reliable basis for the EU Centre to generate indicators of such abuses. In order to achieve that result, the identification should be made after a diligent assessment, conducted in the context of a procedure that guarantees a fair and objective outcome, either by the Coordinating Authorities themselves or by a court or another independent administrative authority than the Coordinating Authority. Whilst the swift assessment, identification and submission of such material is important also in other contexts, it is crucial in connection to new child sexual abuse material reported under this Regulation, considering that this material can lead to the identification of ongoing or imminent abuse and the rescuing of victims. Therefore, specific time limits should be set in connection to such reporting.

Or. en

Amendment 447

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 55 a (new)

Text proposed by the Commission

Amendment

(55a) All communications containing illegal material should be encrypted to state of the art standards, all access by staff to such content should be limited to what is necessary and thoroughly logged.

All such logs should be stored for a minimum of ten years.

Or. en

Amendment 448
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 56

Text proposed by the Commission

Amendment

(56) With a view to ensuring that the indicators generated by the EU Centre for the purpose of detection are as complete as possible, the submission of relevant material and transcripts should be done proactively by the Coordinating Authorities. However, the EU Centre should also be allowed to bring certain material or conversations to the attention of the Coordinating Authorities for those purposes.

deleted

Or. en

Amendment 449
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Recital 56

Text proposed by the Commission

Amendment

(56) With a view to ensuring that the indicators generated by the EU Centre *for the purpose of detection* are as complete as possible, the submission of relevant material and transcripts should be done proactively by the Coordinating Authorities. However, the EU Centre should also be allowed to bring certain material or conversations to the attention of the Coordinating Authorities for those purposes.

(56) With a view to ensuring that the indicators generated by the EU Centre are as complete as possible, the submission of relevant material and transcripts should be done proactively by the Coordinating Authorities. However, the EU Centre should also be allowed to bring certain material or conversations to the attention of the Coordinating Authorities for those purposes.

Or. en

Amendment 450

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Recital 56

Text proposed by the Commission

(56) With a view to ensuring that the indicators generated by the EU Centre for the purpose of detection are as complete as possible, the submission of relevant material and transcripts should be done proactively by the Coordinating Authorities. However, the EU Centre should also be allowed to bring certain material *or conversations* to the attention of the Coordinating Authorities for those purposes.

Amendment

(56) With a view to ensuring that the indicators generated by the EU Centre for the purpose of detection are as complete as possible, the submission of relevant material and transcripts should be done proactively by the Coordinating Authorities. However, the EU Centre should also be allowed to bring certain material to the attention of the Coordinating Authorities for those purposes.

Or. en

Amendment 451

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Recital 57

Text proposed by the Commission

(57) Certain providers of relevant information society services offer their services in several or even all Member States, whilst under this Regulation only a single Member State has jurisdiction in respect of a given provider. It is therefore imperative that the Coordinating Authority designated by the Member State having jurisdiction takes account of the interests of all users in the Union when performing its tasks and using its powers, without making any distinction depending on elements such as the users' location or nationality, and that Coordinating Authorities cooperate with each other in an effective and efficient manner. To facilitate such cooperation, the necessary mechanisms and information-sharing systems should be provided for.

Amendment

(57) Certain providers of relevant information society services offer their services in several or even all Member States, whilst under this Regulation only a single Member State has jurisdiction in respect of a given provider. It is therefore imperative that the Coordinating Authority designated by the Member State having jurisdiction takes account of the interests of all users in the Union when performing its tasks and using its powers, without making any distinction depending on elements such as the users' location or nationality, and that Coordinating Authorities cooperate with each other in an effective and efficient manner. To facilitate such cooperation, the necessary mechanisms and information-sharing systems should be provided for.

That cooperation shall be without prejudice to the possibility for Member States to provide for regular exchanges of views with other public authorities where relevant for the performance of the tasks of those other authorities and of the Coordinating Authority.

That cooperation shall be without prejudice to the possibility for Member States to provide for regular exchanges of views with other public authorities where relevant for the performance of the tasks of those other authorities and of the Coordinating Authority ***and receive reports concerning the trends in the dissemination and monetisation of child sexual abuse material from relevant organisations acting in the public interest against child sexual abuse and other stakeholders, including service providers.***

Or. en

Amendment 452
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 58

Text proposed by the Commission

(58) In particular, in order to facilitate the cooperation needed for the proper functioning of the mechanisms set up by this Regulation, the EU Centre should establish and maintain the necessary information-sharing systems. ***When establishing and maintaining such systems, the EU Centre should cooperate with the European Union Agency for Law Enforcement Cooperation ('Europol') and national authorities to build on existing systems and best practices, where relevant.***

Amendment

(58) In particular, in order to facilitate the cooperation needed for the proper functioning of the mechanisms set up by this Regulation, the EU Centre should establish and maintain the necessary information-sharing systems.

Or. en

Amendment 453
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Recital 58

Text proposed by the Commission

(58) In particular, in order to facilitate the cooperation needed for the proper

Amendment

(58) In particular, in order to facilitate the cooperation needed for the proper

functioning of the mechanisms set up by this Regulation, the EU Centre should establish and maintain the necessary information-sharing systems. When establishing and maintaining such systems, the EU Centre should cooperate with the European Union Agency for Law Enforcement Cooperation (‘Europol’) and national authorities to build on existing systems and best practices, where relevant.

functioning of the mechanisms set up by this Regulation, the EU Centre should establish and maintain the necessary **secure** information-sharing systems. When establishing and maintaining such systems, the EU Centre should cooperate with the European Union Agency for Law Enforcement Cooperation (‘Europol’) and national authorities to build on existing systems and best practices, where relevant.

Or. en

Amendment 454

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 59

Text proposed by the Commission

(59) To support the implementation of this Regulation and contribute to the achievement of its objectives, the EU Centre should serve as a central facilitator, carrying out a range of specific tasks. The performance of those tasks requires strong guarantees of independence, in particular from law enforcement authorities, as well as a governance structure ensuring the effective, efficient and coherent performance of its different tasks, and legal personality to be able to interact effectively with all relevant stakeholders. Therefore, it should be established as a decentralised Union agency.

Amendment

(59) To support the implementation of this Regulation and contribute to the achievement of its objectives, the EU Centre should serve as a central facilitator, carrying out a range of specific tasks. The performance of those tasks requires strong guarantees of independence, in particular from law enforcement authorities, **including Europol**, as well as a governance structure ensuring the effective, efficient and coherent performance of its different tasks, and legal personality to be able to interact effectively with all relevant stakeholders. Therefore, it should be established as a decentralised Union agency.

Or. en

Amendment 455

Cornelia Ernst, Clare Daly

Proposal for a regulation

Recital 60

Text proposed by the Commission

(60) In the interest of legal certainty and effectiveness, the tasks of the EU Centre

Amendment

(60) In the interest of legal certainty and effectiveness, the tasks of the EU Centre

should be listed in a clear and comprehensive manner. With a view to ensuring the proper implementation of this Regulation, those tasks should relate in particular to the facilitation of *the detection, reporting and blocking* obligations imposed on providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services. However, for that same reason, the EU Centre should also be charged with certain other tasks, notably those relating to the implementation of the risk assessment and mitigation obligations of providers of relevant information society services, the removal of *or disabling of* access to child sexual abuse material by providers of hosting services, the provision of assistance to Coordinating Authorities, as well as the generation and sharing of knowledge and expertise related to online child sexual abuse.

should be listed in a clear and comprehensive manner. With a view to ensuring the proper implementation of this Regulation, those tasks should relate in particular to the facilitation of reporting obligations imposed on providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services. However, for that same reason, the EU Centre should also be charged with certain other tasks, notably those relating to the implementation of the risk assessment and mitigation obligations of providers of relevant information society services, the removal of access to child sexual abuse material by providers of hosting services, the provision of assistance to Coordinating Authorities, as well as the generation and sharing of knowledge and expertise related to online child sexual abuse.

Or. en

Amendment 456
Rob Rooken
Proposal for a regulation
Recital 60

Text proposed by the Commission

(60) In the interest of legal certainty and effectiveness, the tasks of the EU Centre should be listed in a clear and comprehensive manner. With a view to ensuring the proper implementation of this Regulation, those tasks should relate in particular to the facilitation of the detection, reporting and blocking obligations imposed on providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services. However, for that same reason, the EU Centre should also be charged with certain other tasks, notably those relating to the implementation of the risk assessment

Amendment

(60) In the interest of legal certainty and effectiveness, the tasks of the EU Centre should be listed in a clear and comprehensive manner. With a view to ensuring the proper implementation of this Regulation, those tasks should relate in particular to the facilitation of the detection, reporting and blocking obligations imposed on providers of hosting services, providers of publicly available *number independent* interpersonal communications services and providers of internet access services. However, for that same reason, the EU Centre should also be charged with certain other tasks, notably those relating to the

and mitigation obligations of providers of relevant information society services, the removal of or disabling of access to child sexual abuse material by providers of hosting services, the provision of assistance to Coordinating Authorities, as well as the generation and sharing of knowledge and expertise related to online child sexual abuse.

implementation of the risk assessment and mitigation obligations of providers of relevant information society services, the removal of or disabling of access to child sexual abuse material by providers of hosting services, the provision of assistance to Coordinating Authorities, as well as the generation and sharing of knowledge and expertise related to online child sexual abuse.

Or. en

Amendment 457

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 60

Text proposed by the Commission

(60) In the interest of legal certainty and effectiveness, the tasks of the EU Centre should be listed in a clear and comprehensive manner. With a view to ensuring the proper implementation of this Regulation, those tasks should relate in particular to the facilitation of the **detection, reporting and blocking** obligations imposed on providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services. However, for that same reason, the EU Centre should also be charged with certain other tasks, notably those relating to the implementation of the risk assessment and mitigation obligations of providers of relevant information society services, the removal of or disabling of access to child sexual abuse material by providers of hosting services, the provision of assistance to Coordinating Authorities, as well as the generation and sharing of knowledge and expertise related to online child sexual abuse.

Amendment

(60) In the interest of legal certainty and effectiveness, the tasks of the EU Centre should be listed in a clear and comprehensive manner. With a view to ensuring the proper implementation of this Regulation, those tasks should relate in particular to the facilitation of the obligations imposed on providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services. However, for that same reason, the EU Centre should also be charged with certain other tasks, notably those relating to the implementation of the risk assessment and mitigation obligations of providers of relevant information society services, the removal of or disabling of access to child sexual abuse material by providers of hosting services, the provision of assistance to Coordinating Authorities, as well as the generation and sharing of knowledge and expertise related to online child sexual abuse.

Or. en

Amendment 458
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 61

Text proposed by the Commission

Amendment

(61) The EU Centre should provide reliable information on which activities can reasonably be considered to constitute online child sexual abuse, so as to enable the detection and blocking thereof in accordance with this Regulation. Given the nature of child sexual abuse material, that reliable information needs to be provided without sharing the material itself. Therefore, the EU Centre should generate accurate and reliable indicators, based on identified child sexual abuse material and solicitation of children submitted to it by Coordinating Authorities in accordance with the relevant provisions of this Regulation. These indicators should allow technologies to detect the dissemination of either the same material (known material) or of different child sexual abuse material (new material), or the solicitation of children, as applicable.

deleted

Or. en

Amendment 459
Lucia Ďuriš Nicholsonová
Proposal for a regulation
Recital 61

Text proposed by the Commission

Amendment

(61) The EU Centre should provide reliable information on which activities can reasonably be considered to constitute online child sexual abuse, so as to enable the detection and blocking thereof in accordance with this Regulation. Given the nature of child sexual abuse material, that reliable information needs to be provided without sharing the material itself. Therefore, the EU Centre should generate

(61) The EU Centre should provide reliable information on which activities can reasonably be considered to constitute online child sexual abuse, so as to enable the detection and blocking thereof in accordance with this Regulation. Given the nature of child sexual abuse material, that reliable information needs to be provided without sharing the material itself. Therefore, the EU Centre should generate

accurate and reliable indicators, based on identified child sexual abuse material and solicitation of children submitted to it by Coordinating Authorities in accordance with the relevant provisions of this Regulation. These indicators should allow technologies to detect the dissemination of either the same material (known material) or of different child sexual abuse material (new material), or the solicitation of children, as applicable.

accurate and reliable indicators, based on identified child sexual abuse material and solicitation of children submitted to it by Coordinating Authorities ***or when appropriate, by the organisations acting in the public interest against child sexual abuse***, in accordance with the relevant provisions of this Regulation. These indicators should allow technologies to detect the dissemination of either the same material (known material) or of different child sexual abuse material (new material), or the solicitation of children, as applicable.

Or. en

Amendment 460
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 61 a (new)

Text proposed by the Commission

Amendment

(61a) The EU Centre should be charged with the provision of assistance to Coordinating Authorities, as well as the generation of research, prevention techniques and sharing of knowledge, best practices and expertise related to online child sexual abuse, successful initiatives on digital skills and competences in an age appropriate manner, including media literacy, on sex education, and reacting timely to the evolving trends of child sexual abuse material dissemination.

Or. en

Amendment 461
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 62

Text proposed by the Commission

Amendment

(62) For the system established by this Regulation to function properly, the EU

deleted

Centre should be charged with creating databases for each of those three types of online child sexual abuse, and with maintaining and operating those databases. For accountability purposes and to allow for corrections where needed, it should keep records of the submissions and the process used for the generation of the indicators.

Or. en

Amendment 462
Rob Rooker
Proposal for a regulation
Recital 63

Text proposed by the Commission

(63) For the purpose of ensuring the traceability of the reporting process and of any follow-up activity undertaken based on reporting, as well as of allowing for the provision of feedback on reporting to providers of hosting services and providers of publicly available interpersonal communications services, generating statistics concerning reports and the reliable and swift management and processing of reports, the EU Centre should create a dedicated database of such reports. To be able to fulfil the above purposes, that database should also contain relevant information relating to those reports, such as the indicators representing the material and ancillary tags, which can indicate, for example, the fact that a reported image or video is part of a series of images and videos depicting the same victim or victims.

Amendment

(63) For the purpose of ensuring the traceability of the reporting process and of any follow-up activity undertaken based on reporting, as well as of allowing for the provision of feedback on reporting to providers of hosting services and providers of publicly available ***number independent*** interpersonal communications services, generating statistics concerning reports and the reliable and swift management and processing of reports, the EU Centre should create a dedicated database of such reports. To be able to fulfil the above purposes, that database should also contain relevant information relating to those reports, such as the indicators representing the material and ancillary tags, which can indicate, for example, the fact that a reported image or video is part of a series of images and videos depicting the same victim or victims.

Or. en

Amendment 463
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 63

Text proposed by the Commission

Amendment

(63) For the purpose of ensuring the traceability of the reporting process and of any follow-up activity undertaken based on reporting, as well as of allowing for the provision of feedback on reporting to providers of hosting services and providers of publicly available interpersonal communications services, generating statistics concerning reports and the reliable and swift management and processing of reports, the EU Centre should create a dedicated database of such reports. To be able to fulfil the above purposes, that database should also contain relevant information relating to those reports, such as the indicators representing the material and ancillary tags, which can indicate, for example, the fact that a reported image or video is part of a series of images and videos depicting the same *victim or victims*.

(63) For the purpose of ensuring the traceability of the reporting process and of any follow-up activity undertaken based on reporting, as well as of allowing for the provision of feedback on reporting to providers of hosting services and providers of publicly available interpersonal communications services, generating statistics concerning reports and the reliable and swift management and processing of reports, the EU Centre should create a dedicated database of such reports. To be able to fulfil the above purposes, that database should also contain relevant information relating to those reports, such as the indicators representing the material and ancillary tags, which can indicate, for example, the fact that a reported image or video is part of a series of images and videos depicting the same *survivor or survivors*.

Or. en

Amendment 464
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 64

Text proposed by the Commission

(64) Given the sensitivity of the data concerned and with a view to avoiding any errors and possible misuse, it is necessary to lay down strict rules on the access to those databases of *indicators and databases of* reports, on the data contained therein and on their security. *In particular, the data concerned should not be stored for longer than is strictly necessary. For the above reasons, access to the database of indicators should be given only to the parties and for the purposes specified in this Regulation, subject to the controls by the EU Centre, and be limited in time and in scope to what is strictly necessary for*

Amendment

(64) Given the sensitivity of the data concerned and with a view to avoiding any errors and possible misuse, it is necessary to lay down strict rules on the access to those databases of reports, on the data contained therein and on their security.

those purposes.

Or. en

Amendment 465
Annalisa Tardino
Proposal for a regulation
Recital 64

Text proposed by the Commission

(64) Given the sensitivity of the data concerned and with a view to avoiding any errors and possible misuse, it is necessary to lay down strict rules on the access to those databases of indicators and databases of reports, on the data contained therein and on their security. In particular, the data concerned should not be stored for longer than is strictly necessary. For the above reasons, access to the database of indicators should be given only to the parties and for the purposes specified in this Regulation, subject to the controls by the EU Centre, and be limited in time and in scope to what is strictly necessary for those purposes.

Amendment

(64) Given the sensitivity of the data concerned and with a view to avoiding any errors and possible misuse, it is necessary to lay down strict rules on the access to those databases of indicators and databases of reports, on the data contained therein and on their security. ***Such rules should be always handled by staff specifically trained for that purpose.*** In particular, the data concerned should not be stored for longer than is strictly necessary. For the above reasons, access to the database of indicators should be given only to the parties and for the purposes specified in this Regulation, subject to the controls by the EU Centre, and be limited in time and in scope to what is strictly necessary for those purposes.

Or. en

Amendment 466
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Recital 65

Text proposed by the Commission

(65) In order to avoid erroneous reporting of online child sexual abuse under this Regulation and to allow law enforcement authorities to focus on their core investigatory tasks, reports should pass through the EU Centre. The EU Centre should assess those reports in order to identify those that are ***manifestly*** unfounded, that is, where it is ***immediately***

Amendment

(65) In order to avoid erroneous reporting of online child sexual abuse under this Regulation and to allow law enforcement authorities to focus on their core investigatory tasks ***without receiving an overwhelming quantity of false positives***, reports should pass through the EU Centre. The EU Centre should ***thoroughly*** assess those reports in order to

evident, *without any* substantive legal *or* factual analysis, that the reported activities do not constitute online child sexual abuse. Where the report is *manifestly* unfounded, the EU Centre should provide feedback to the reporting provider of hosting services or provider of publicly available interpersonal communications services in order to allow for improvements in the technologies and processes used and for other appropriate steps, such as reinstating material wrongly removed. As every report could be an important means to investigate and prosecute the child sexual abuse offences concerned and to rescue the victim of the abuse, reports should be processed as quickly as possible.

identify those that are unfounded, that is, where it is evident, *including after* substantive legal *and* factual analysis, that the reported activities do not constitute online child sexual abuse. Where the report is unfounded, the EU Centre should provide feedback to the reporting provider of hosting services or provider of publicly available interpersonal communications services in order to allow for improvements in the technologies and processes used and for other appropriate steps, such as reinstating material wrongly removed. As every report could be an important means to investigate and prosecute the child sexual abuse offences concerned and to rescue the victim of the abuse, reports should be processed as quickly as possible.

Or. en

Amendment 467
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 65

Text proposed by the Commission

(65) In order to avoid erroneous reporting of online child sexual abuse under this Regulation and to allow law enforcement authorities to focus on their core investigatory tasks, reports should pass through the EU Centre. The EU Centre should assess those reports in order to identify those that are manifestly unfounded, that is, where it is immediately evident, without any substantive legal or factual analysis, that the reported activities do not constitute online child sexual abuse. Where the report is manifestly unfounded, the EU Centre should provide feedback to the reporting provider of hosting services or provider of publicly available interpersonal communications services in order to allow for improvements in the technologies and processes used and for other appropriate steps, such as reinstating

Amendment

(65) In order to avoid erroneous reporting of online child sexual abuse under this Regulation and to allow law enforcement authorities to focus on their core investigatory tasks, reports should pass through the EU Centre. The EU Centre should assess those reports in order to identify those that are manifestly unfounded, that is, where it is immediately evident, without any substantive legal or factual analysis, that the reported activities do not constitute online child sexual abuse. Where the report is manifestly unfounded, the EU Centre should provide feedback to the reporting provider of hosting services or provider of publicly available *number independent* interpersonal communications services in order to allow for improvements in the technologies and processes used and for other appropriate

material wrongly removed. As every report could be an important means to investigate and prosecute the child sexual abuse offences concerned and to rescue the victim of the abuse, reports should be processed as quickly as possible.

steps, such as reinstating material wrongly removed. As every report could be an important means to investigate and prosecute the child sexual abuse offences concerned and to rescue the victim of the abuse, reports should be processed as quickly as possible.

Or. en

Amendment 468
Rob Rooken
Proposal for a regulation
Recital 65

Text proposed by the Commission

(65) In order to avoid erroneous reporting of online child sexual abuse under this Regulation and to allow law enforcement authorities to focus on their core investigatory tasks, reports should pass through the EU Centre. The EU Centre should assess those reports in order to identify those that are manifestly unfounded, that is, where it is immediately evident, without any substantive legal or factual analysis, that the reported activities do not constitute online child sexual abuse. Where the report is manifestly unfounded, the EU Centre should provide feedback to the reporting provider of hosting services or provider of publicly available interpersonal communications services in order to allow for improvements in the technologies and processes used and for other appropriate steps, such as reinstating material wrongly removed. As every report could be an important means to investigate and prosecute the child sexual abuse offences concerned and to rescue the victim of the abuse, reports should be processed as quickly as possible.

Amendment

(65) In order to avoid erroneous reporting of online child sexual abuse under this Regulation and to allow law enforcement authorities to focus on their core investigatory tasks, reports should pass through the EU Centre. The EU Centre should assess those reports in order to identify those that are manifestly unfounded, that is, where it is immediately evident, without any substantive legal or factual analysis, that the reported activities do not constitute online child sexual abuse. Where the report is manifestly unfounded, the EU Centre should provide feedback to the reporting provider of hosting services or provider of publicly available ***number independent*** interpersonal communications services in order to allow for improvements in the technologies and processes used and for other appropriate steps, such as reinstating material wrongly removed. As every report could be an important means to investigate and prosecute the child sexual abuse offences concerned and to rescue the victim of the abuse, reports should be processed as quickly as possible.

Or. en

Amendment 469
Patrick Breyer

on behalf of the Verts/ALE Group
Proposal for a regulation
Recital 66

Text proposed by the Commission

(66) With a view to contributing to the effective application of this Regulation and the protection of victims' rights, the EU Centre should be able, upon request, to support victims and to assist Competent Authorities by conducting searches of hosting services for the dissemination of known child sexual abuse material that is publicly accessible, using the corresponding indicators. Where it identifies such material after having conducted such a search, the EU Centre should also ***be able to request*** the provider of the hosting service concerned ***to remove or disable access to the item or items in question, given that the provider may not be aware of their presence and may be willing to do so on a voluntary basis.***

Amendment

(66) With a view to contributing to the effective application of this Regulation and the protection of victims' rights, the EU Centre should be able, upon request, to support victims and to assist Competent Authorities by conducting searches of hosting services for the dissemination of known child sexual abuse material that is publicly accessible, using the corresponding indicators. Where it identifies such material after having conducted such a search, the EU Centre should also ***send*** the provider of the hosting service concerned ***a notice of this manifestly illegal content.***

Or. en

Amendment 470
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 66

Text proposed by the Commission

(66) With a view to contributing to the effective application of this Regulation and the protection of ***victims'*** rights, the EU Centre should be able, upon request, to support ***victims*** and to assist Competent Authorities by conducting searches of hosting services for the dissemination of known child sexual abuse material that is publicly accessible, ***using the corresponding indicators.*** Where it identifies such material after having conducted such a search, the EU Centre should also be able to request the provider of the hosting service concerned ***to remove or disable access to*** the item or items in

Amendment

(66) With a view to contributing to the effective application of this Regulation and the protection of ***survivors'*** rights, the EU Centre should be able, upon request, to support ***survivors*** and to assist Competent Authorities by conducting searches of hosting services for the dissemination of known child sexual abuse material that is publicly accessible.. Where it identifies such material after having conducted such a search, the EU Centre should also be able to request the provider of the hosting service concerned ***to the item or items in question, given that the provider may not be aware of their presence and may be***

question, given that the provider may not be aware of their presence and may be willing to do so on a voluntary basis.

willing to do so on a voluntary basis.

Or. en

Amendment 471

Lucia Ďuriš Nicholsonová

Proposal for a regulation

Recital 67

Text proposed by the Commission

(67) Given its central position resulting from the performance of its primary tasks under this Regulation and the information and expertise it can gather in connection thereto, the EU Centre should also contribute to the achievement of the objectives of this Regulation by serving as a hub for knowledge, expertise and research on matters related to the prevention and combating of online child sexual abuse. In this connection, the EU Centre should cooperate with relevant stakeholders from both within and outside the Union and allow Member States to benefit from the knowledge and expertise gathered, including best practices and lessons learned.

Amendment

(67) Given its central position resulting from the performance of its primary tasks under this Regulation and the information and expertise it can gather in connection thereto, the EU Centre should also contribute to the achievement of the objectives of this Regulation by serving as a hub for knowledge, expertise and research on matters related to the prevention and combating of online child sexual abuse, ***including on the successful initiatives and good practices on the proactive search for online child sexual material, trends in its creation and monetisation, as well as the voluntary prevention, detection and mitigation of online child sexual abuse.*** In this connection, the EU Centre should cooperate with relevant stakeholders from both within and outside the Union and allow Member States to benefit from the knowledge and expertise gathered, including best practices and lessons learned.

Or. en

Amendment 472

Cornelia Ernst, Clare Daly

Proposal for a regulation

Recital 67

Text proposed by the Commission

(67) Given its central position resulting from the performance of its primary tasks

Amendment

(67) Given its central position resulting from the performance of its primary tasks

under this Regulation and the information and expertise it can gather in connection thereto, the EU Centre should also contribute to the achievement of the objectives of this Regulation by serving as a hub for knowledge, expertise and research on matters related to the prevention and combating of online child sexual abuse. In this connection, the EU Centre should cooperate with relevant stakeholders ***from both within and outside the Union*** and allow Member States to benefit from the knowledge and expertise gathered, including best practices and lessons learned.

under this Regulation and the information and expertise it can gather in connection thereto, the EU Centre should also contribute to the achievement of the objectives of this Regulation by serving as a hub for knowledge, expertise and research on matters related to the prevention and combating of online child sexual abuse, ***including lessons learned from, prevention and awareness raising campaigns***. In this connection, the EU Centre should cooperate with relevant stakeholders and allow Member States to benefit from the knowledge and expertise gathered, including best practices and lessons learned ***on creating safe digital experiences for children and promoting their empowerment and active participation in the digital environment***.

Or. en

Amendment 473

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 68

Text proposed by the Commission

(68) Processing and storing certain personal data is necessary for the performance of the EU Centre's tasks under this Regulation. In order to ensure that such personal data is adequately protected, the EU Centre should only process and store personal data if strictly necessary for the purposes detailed in this Regulation. It should do so in a secure manner and limit storage to what is strictly necessary for the performance of the relevant tasks.

Amendment

(68) Processing and storing certain personal data is necessary for the performance of the EU Centre's tasks under this Regulation. In order to ensure that such personal data is adequately protected, the EU Centre should only process and store personal data if strictly necessary for the purposes detailed in this Regulation. It should do so in a secure manner, ***use state of the art encryption,*** and limit storage to what is strictly necessary for the performance of the relevant tasks. ***It should ensure adequate protection of its infrastructure and implement facilities access control, storage control, user control, control of data entry, data access control, communication control, input control, transport control, personnel profiles***

procedures, incident and recovery procedures, and ensure the reliability and integrity of its databases.

Or. en

Amendment 474
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 69

Text proposed by the Commission

(69) In order to allow for the effective and efficient performance of its tasks, the EU Centre should closely cooperate with Coordinating Authorities, **the Europol** and relevant partner organisations, such as the US National Centre for Missing and Exploited Children or the International Association of Internet Hotlines ('INHOPE') network of hotlines for reporting child sexual abuse material, within the limits sets by this Regulation and other legal instruments regulating their respective activities. To facilitate such cooperation, the necessary arrangements should be made, including the designation of contact officers by Coordinating Authorities and the conclusion of **memoranda of understanding** with Europol and, where appropriate, with one or more of the relevant partner organisations.

Amendment

(69) In order to allow for the effective and efficient performance of its tasks, the EU Centre should closely cooperate with Coordinating Authorities, and relevant partner organisations, such as the US National Centre for Missing and Exploited Children or the International Association of Internet Hotlines ('INHOPE') network of hotlines for reporting child sexual abuse material, within the limits sets by this Regulation and other legal instruments regulating their respective activities. To facilitate such cooperation, the necessary arrangements should be made, including the designation of contact officers by Coordinating Authorities and the conclusion of **a working arrangement** with Europol and, where appropriate, with one or more of the relevant partner organisations.

Or. en

Amendment 475
Annalisa Tardino
Proposal for a regulation
Recital 69 a (new)

Text proposed by the Commission

Amendment

(69a) In order to strengthen prevention measures, the EU Centre shall cooperate with relevant national authorities to identify possible new patterns regarding child sexual abuse material as well as to

lay down and disseminate contents to raise awareness and prevent child sexual abuse.

Or. en

Amendment 476
Annalisa Tardino
Proposal for a regulation
Recital 69 b (new)

Text proposed by the Commission

Amendment

(69b) To make the best use of survivors knowledge, the EU Centre shall consult with victims organisations and helplines to set up and improve victims support mechanisms as well as to analyse and explore new forms of online sexual abuses.

Or. en

Amendment 477
Lucia Ďuriš Nicholsonová, Fabienne Keller, Yana Toom
Proposal for a regulation
Recital 70

Text proposed by the Commission

Amendment

(70) Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. The EU Centre should leverage the network of hotlines and encourage that they work together effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines' expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as on regional and national differences across the Union.

(70) Longstanding Union support for both INHOPE and its member hotlines recognises that hotlines are in the frontline in the fight against online child sexual abuse. ***This role played by hotlines should be reinforced and they should continue to facilitate this fight. Each Member State should ensure that at least one official hotline is operating in its territory.*** The EU Centre should leverage the network of hotlines and encourage that they work together effectively with the Coordinating Authorities, providers of relevant information society services and law enforcement authorities of the Member States. The hotlines' expertise and experience is an invaluable source of information on the early identification of common threats and solutions, as well as

on regional and national differences across the Union. *Anonymous public reporting is crucial to countering child sexual abuse and hotlines have created a worldwide network and procedures for the child sexual abuse identification and removal. Member States should ensure that the public has the possibility to anonymously report child sexual abuse material and child sexual exploitation activities to hotlines specialised in combatting online child sexual abuse material and shall safeguard the role of such hotlines in anonymous public reporting. The promotion of hotlines by the EU Centre and the Coordinating Authorities through the educational systems of Member States in order to educate youth and reach potential victims is of great importance. The experience of hotlines and other non-governmental organizations involved in reporting or proactive searching of child sexual abuse material and expertise should help the EU Centre and Coordinating Authorities to design appropriate prevention techniques and awareness campaigns and keeping the databases of indicators up to date.*

Or. en

Amendment 478
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 71

Text proposed by the Commission

Amendment

(71) Considering Europol's mandate and its experience in identifying competent national authorities in unclear situation and its database of criminal intelligence which can contribute to identifying links to investigations in other Member States, the EU Centre should cooperate closely with it, especially in order to ensure the swift identification of competent national law enforcement authorities in cases where that is not clear

deleted

or where more than one Member State may be affected.

Or. en

Amendment 479
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 72

Text proposed by the Commission

Amendment

(72) *Considering the need for the EU Centre to cooperate intensively with Europol, the EU Centre's headquarters should be located alongside Europol's, which is located in The Hague, the Netherlands. The highly sensitive nature of the reports shared with Europol by the EU Centre and the technical requirements, such as on secure data connections, both benefit from a shared location between the EU Centre and Europol. It would also allow the EU Centre, while being an independent entity, to rely on the support services of Europol, notably those regarding human resources management, information technology (IT), including cybersecurity, the building and communications. Sharing such support services is more cost-efficient and ensure a more professional service than duplicating them by creating them anew.* **deleted**

Or. en

Amendment 480
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Recital 72

Text proposed by the Commission

Amendment

(72) *Considering the need for the EU Centre to cooperate intensively with Europol, the EU Centre's headquarters should be located alongside Europol's,* **deleted**

which is located in The Hague, the Netherlands. The highly sensitive nature of the reports shared with Europol by the EU Centre and the technical requirements, such as on secure data connections, both benefit from a shared location between the EU Centre and Europol. It would also allow the EU Centre, while being an independent entity, to rely on the support services of Europol, notably those regarding human resources management, information technology (IT), including cybersecurity, the building and communications. Sharing such support services is more cost-efficient and ensure a more professional service than duplicating them by creating them anew.

Or. en

Amendment 481
Fabienne Keller
Proposal for a regulation
Recital 72

Text proposed by the Commission

(72) *Considering the need for the EU Centre to cooperate intensively with Europol, the EU Centre's headquarters should be located alongside Europol's, which is located in The Hague, the Netherlands. The highly sensitive nature of the reports shared with Europol by the EU Centre and the technical requirements, such as on secure data connections, both benefit from a shared location between the EU Centre and Europol. It would also allow the EU Centre, while being an independent entity, to rely on the support services of Europol, notably those regarding human resources management, information technology (IT), including cybersecurity, the building and communications. Sharing such support services is more cost-efficient and ensure a more professional service than duplicating*

Amendment

(72) The EU Centre's headquarters should be *decided on the basis of objective criterias* between the *Parliament and the Council in an ordinary legislative procedure*.

them by creating them anew.

Or. en

Amendment 482
Annalisa Tardino
Proposal for a regulation
Recital 72

Text proposed by the Commission

(72) *Considering the need for the EU Centre to cooperate intensively with Europol, the EU Centre's headquarters should be located alongside Europol's, which is located in The Hague, the Netherlands. The highly sensitive nature of the reports shared with Europol by the EU Centre and the technical requirements, such as on secure data connections, both benefit from a shared location between the EU Centre and Europol. It would also allow the EU Centre, while being an independent entity, to rely on the support services of Europol, notably those regarding human resources management, information technology (IT), including cybersecurity, the building and communications. Sharing such support services is more cost-efficient and ensure a more professional service than duplicating them by creating them anew.*

Amendment

(72) The EU Centre *should conclude a headquarters agreement with the host Member State in a timely manner before it begins operations. In light of the case-law of the Court of Justice, the choice of the location of the seat should be made in accordance with the ordinary legislative procedure and should comply with the criteria laid down in this Regulation.*

Or. en

Amendment 483
Annalisa Tardino
Proposal for a regulation
Recital 72 a (new)

Text proposed by the Commission

Amendment

(72a) *Considering that a relevant number of child sexual material online present in the internal market is produced in Third countries, the EU Centre should cooperate with competent services in relevant international forum to prevent*

child sexual abuses at global level.

Or. en

Amendment 484
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 74

Text proposed by the Commission

(74) In view of the need for technical expertise in order to perform its tasks, ***in particular the task of providing a list of technologies that can be used for detection***, the EU Centre should have a Technology Committee composed of experts with advisory function. ***The Technology Committee may, in particular, provide expertise to support the work of the EU Centre, within the scope of its mandate, with respect to matters related to detection of online child sexual abuse, to support the EU Centre in contributing to a high level of technical standards and safeguards in detection technology.***

Amendment

(74) In view of the need for technical expertise in order to perform its tasks, the EU Centre should have a Technology Committee composed of experts with advisory function.

Or. en

Amendment 485
Fabienne Keller
Proposal for a regulation
Recital 74

Text proposed by the Commission

(74) In view of the need for technical expertise in order to perform its tasks, in particular the task of providing a list of technologies that can be used for detection, the EU Centre should have a Technology Committee composed of experts with advisory function. The Technology Committee may, in particular, provide expertise to support the work of the EU Centre, within the scope of its mandate, with respect to matters related to detection of online child sexual abuse, to support the

Amendment

(74) In view of the need for technical expertise in order to perform its tasks, in particular the task of providing a list of technologies that can be used for detection, the EU Centre should have a Technology Committee composed of experts with advisory function. The Technology Committee may, in particular, provide expertise to support the work of the EU Centre, within the scope of its mandate, with respect to matters related to detection of online child sexual abuse, to support the

EU Centre in contributing to a high level of technical standards and safeguards in detection technology.

EU Centre in contributing to a high level of technical standards and safeguards in detection technology, ***and the evolution of those technologies and developing new ones.***

Or. en

Amendment 486

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Recital 74

Text proposed by the Commission

(74) In view of the need for technical expertise in order to perform its tasks, in particular the task of providing a list of technologies that can be used for detection, the EU Centre should have a Technology Committee composed of experts with advisory function. The Technology Committee may, in particular, provide expertise to support the work of the EU Centre, within the scope of its mandate, with respect to matters related to detection of online child sexual abuse, to support the EU Centre in contributing to a high level of technical standards and safeguards in detection technology.

Amendment

(74) In view of the need for technical expertise in order to perform its tasks, in particular the task of providing a list of technologies that can be used for detection, the EU Centre should have a Technology Committee composed of experts with advisory function. The Technology Committee may, in particular, provide expertise to support the work of the EU Centre, within the scope of its mandate, with respect to matters related to detection ***and prevention*** of online child sexual abuse, to support the EU Centre in contributing to a high level of technical standards and safeguards in detection technology.

Or. en

Amendment 487

Hilde Vautmans, Olivier Chastel, Fabienne Keller, Maite Pagazaurtundúa, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Recital 74 a (new)

Text proposed by the Commission

Amendment

(74a) The Technology Committee could therefore establish a certification for technologies which could be used by online service providers to detect child sexual abuse material on their request.

Or. en

Amendment 488
Cornelia Ernst, Clare Daly
Proposal for a regulation
Recital 75

Text proposed by the Commission

Amendment

(75) In the interest of transparency and accountability and to enable evaluation and, where necessary, adjustments, providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services, Coordinating Authorities and the EU Centre should be required to collect, record and analyse information, based on anonymised gathering of non-personal data and to publish annual reports on their activities under this Regulation. The Coordinating Authorities should cooperate with Europol and with law enforcement authorities and other relevant national authorities of the Member State that designated the Coordinating Authority in question in gathering that information.

deleted

Or. en

Amendment 489
Rob Rooken
Proposal for a regulation
Recital 75

Text proposed by the Commission

Amendment

(75) In the interest of transparency and accountability and to enable evaluation and, where necessary, adjustments, providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services, Coordinating Authorities and the EU Centre should be required to collect, record and analyse information, based on anonymised gathering of non-personal data and to publish annual reports on their activities under this Regulation. The Coordinating

(75) In the interest of transparency and accountability and to enable evaluation and, where necessary, adjustments, providers of hosting services, providers of publicly available *number independent* interpersonal communications services and providers of internet access services, Coordinating Authorities and the EU Centre should be required to collect, record and analyse information, based on anonymised gathering of non-personal data and to publish annual reports on their activities under this Regulation. The

Authorities should cooperate with Europol and with law enforcement authorities and other relevant national authorities of the Member State that designated the Coordinating Authority in question in gathering that information.

Coordinating Authorities should cooperate with Europol and with law enforcement authorities and other relevant national authorities of the Member State that designated the Coordinating Authority in question in gathering that information.

Or. en

Amendment 490

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 75

Text proposed by the Commission

(75) In the interest of transparency and accountability and to enable evaluation and, where necessary, adjustments, providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services, Coordinating Authorities and the EU Centre should be required to collect, record and analyse information, based on *anonymised* gathering of non-personal data and to publish annual reports on their activities under this Regulation. The Coordinating Authorities should cooperate with Europol and with law enforcement authorities and other relevant national authorities of the Member State that designated the Coordinating Authority in question in gathering that information.

Amendment

(75) In the interest of transparency and accountability and to enable evaluation and, where necessary, adjustments, providers of hosting services, providers of publicly available interpersonal communications services and providers of internet access services, Coordinating Authorities and the EU Centre should be required to collect, record and analyse information, based on gathering of non-personal data and to publish annual reports on their activities under this Regulation. The Coordinating Authorities should cooperate with Europol and with law enforcement authorities and other relevant national authorities of the Member State that designated the Coordinating Authority in question in gathering that information.

Or. en

Justification

Non-personal data cannot be anonymised, nor can gathering of non-personal data.

Amendment 491

Cornelia Ernst, Clare Daly

Proposal for a regulation

Recital 76

Text proposed by the Commission

Amendment

(76) In the interest of good governance and drawing on the statistics and information gathered and transparency reporting mechanisms provided for in this Regulation, the Commission should carry out an evaluation of this Regulation within **five** years of the date of its entry into force, and every **five** years thereafter.

(76) In the interest of good governance and drawing on the statistics and information gathered and transparency reporting mechanisms provided for in this Regulation, the Commission should carry out an evaluation of this Regulation within **two** years of the date of its entry into force, and every **two** years thereafter.

Or. en

Amendment 492

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 77

Text proposed by the Commission

(77) The evaluation should be based on the criteria of efficiency, necessity, effectiveness, proportionality, relevance, coherence and Union added value. It should assess the functioning of the different operational and technical measures provided for by this Regulation, ***including the effectiveness of measures to enhance the detection, reporting and removal of online child sexual abuse, the effectiveness of safeguard mechanisms as well as the impacts on potentially affected fundamental rights, the freedom to conduct a business, the right to private life and the protection of personal data. The Commission should also assess the impact on potentially affected interests of third parties.***

Amendment

(77) The evaluation should be based on the criteria of efficiency, necessity, effectiveness, proportionality, relevance, coherence and Union added value. It should assess the functioning of the different operational and technical measures provided for by this Regulation.

Or. en

Justification

All elements of the Regulation should be assessed.

Amendment 493

Rob Rooken

Proposal for a regulation

Recital 78

Text proposed by the Commission

(78) Regulation (EU) 2021/1232 of the European Parliament and of the Council⁴⁵ provides for a temporary solution in respect of the use of technologies by certain providers of publicly available interpersonal communications services for the purpose of combating online child sexual abuse, pending the preparation and adoption of a long-term legal framework. This Regulation provides that long-term legal framework. Regulation (EU) 2021/1232 should therefore be repealed.

⁴⁵ Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse (OJ L 274, 30.7.2021, p. 41).

Amendment

(78) Regulation (EU) 2021/1232 of the European Parliament and of the Council⁴⁵ provides for a temporary solution in respect of the use of technologies by certain providers of publicly available **number independent** interpersonal communications services for the purpose of combating online child sexual abuse, pending the preparation and adoption of a long-term legal framework. This Regulation provides that long-term legal framework. Regulation (EU) 2021/1232 should therefore be repealed.

⁴⁵ Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse (OJ L 274, 30.7.2021, p. 41).

Or. en

Amendment 494

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1

Text proposed by the Commission

This Regulation lays down uniform rules to address the misuse of relevant information society services for online child sexual abuse **in** the internal market.

Amendment

This Regulation lays down uniform rules to address the misuse of relevant information society services for online child sexual abuse, ***in order to contribute to the proper functioning of*** the internal market ***and to create a safe, predictable and trusted online environment that facilitates innovation and in which fundamental***

rights enshrined in the Charter are effectively protected.

Or. en

Justification

in line with DSA

Amendment 495

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1

Text proposed by the Commission

This Regulation lays down uniform rules to address the ***misuse*** of relevant information society services for online child sexual abuse in the internal market.

Amendment

This Regulation lays down uniform rules to address the ***use*** of relevant information society services for online child sexual abuse in ***order to contribute to the proper functioning of*** the internal market ***and to create a safe, predictable and trusted online environment where fundamental rights enshrined in the Charter are effectively protected.***

Or. en

Amendment 496

Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlani, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1

Text proposed by the Commission

This Regulation lays down uniform rules to address the misuse of relevant information society services for online child sexual abuse in the internal market.

Amendment

This Regulation lays down uniform rules to address the misuse of relevant information society services for online child sexual abuse in the internal market ***by persons suspected of being involved in child sexual abuse and persons disqualified from exercising activities involving children.***

Or. en

Amendment 497

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1

Text proposed by the Commission

This Regulation lays down uniform rules to address the misuse of relevant information society services for online child sexual abuse in the internal market.

Amendment

This Regulation lays down uniform rules to ***prevent and*** address the misuse of relevant information society services for online child sexual abuse in the internal market.

Or. en

Amendment 498

Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1

Text proposed by the Commission

This Regulation lays down uniform rules to address the ***misuse*** of relevant information society services for online child sexual abuse in the internal market.

Amendment

This Regulation lays down uniform rules to ***prevent and*** address the ***use*** of relevant information society services for online child sexual abuse in the internal market.

Or. en

Amendment 499

Charlie Weimers, Cristian Terheş, Rob Rooker

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

(b) obligations on providers of hosting services and providers of interpersonal communication services to detect and report online child sexual abuse;

Amendment

(b) obligations on providers of hosting services and providers of interpersonal communication services to detect and report online child sexual abuse ***where there is reasonable cause to suspect such illegal behaviour***;

Or. en

Amendment 500

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) obligations on providers of hosting services and providers of interpersonal communication services to detect and report online child sexual abuse;

(b) obligations on providers of hosting services and providers of **publicly available number-independent** interpersonal communication services to detect and report online child sexual abuse **in specific cases**;

Or. en

Amendment 501

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) obligations on providers of hosting services and providers of interpersonal **communication** services to **detect and** report online child sexual abuse;

(b) obligations on providers of hosting services and providers of **number independent communications** services to report online child sexual abuse **and to cooperate with the EU Centre**;

Or. en

Amendment 502

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) obligations on providers of hosting services and providers of interpersonal communication services to detect and report online child sexual abuse;

(b) obligations on providers of hosting services and providers of **number-independent** interpersonal communication services to detect and report online child sexual abuse;

Or. en

Amendment 503

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Birgit Sippel, Petar Vitanov

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) obligations on providers of hosting services and providers of interpersonal communication services to detect and report online child sexual abuse;

(b) obligations on providers of hosting services and providers of ***number-independent*** interpersonal communication services to detect and report online child sexual abuse;

Or. en

Amendment 504

Rob Rooken

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) obligations on providers of hosting services and providers of interpersonal communication services to ***detect and report online child sexual abuse***;

(b) obligations on providers of hosting services and providers of interpersonal communication services to ***cooperate with the EU Centre***;

Or. en

Amendment 505

Rob Rooken

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) obligations on providers of hosting services to remove or disable access to child sexual abuse material on their services;

(c) obligations on providers of hosting services to remove or disable access to ***known*** child sexual abuse material on their services;

Or. en

Justification

In the case of hosting providers or providers of internet access services, the legal obligation to remove or disable (access to) content must only contain known and confirmed child sexual abuse material, in order to avoid false positives, and protect people's fundamental rights and private sphere.

Amendment 506

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) obligations on providers of hosting services to remove ***or disable access to*** child sexual abuse material on their services;

(c) obligations on providers of hosting services to remove child sexual abuse material on their services;

Or. en

Amendment 507

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) obligations on providers of hosting services to remove ***or disable access to*** child sexual abuse material on their services;

(c) obligations on providers of hosting services to remove child sexual abuse material on their services;

Or. en

Amendment 508

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) obligations on providers of hosting services to remove ***or disable access to*** child sexual abuse material on their services;

(c) obligations on providers of hosting services to remove child sexual abuse material on their services;

Or. en

Amendment 509

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) obligations on providers of hosting services to remove *or disable access to* child sexual abuse material on their services;

(c) obligations on providers of hosting services to remove *known* child sexual abuse material on their services;

Or. en

Amendment 510

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) obligations on providers of internet access services to *disable access to* child sexual abuse material; *deleted*

Or. en

Amendment 511

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) obligations on providers of internet access services to *disable access to* child sexual abuse material; *deleted*

Or. en

Amendment 512

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) obligations on providers of internet access services to *disable access to* child sexual abuse material; *deleted*

Or. en

Amendment 513

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) obligations on providers of internet access services to disable access to child sexual abuse material; **deleted**

Or. en

Amendment 514

Rob Rooken

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) obligations on providers of internet access services to disable access to child sexual abuse material;

(d) obligations on providers of internet access services to disable access to *known* child sexual abuse material;

Or. en

Amendment 515

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Abir Al-Sahlani, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) obligations on providers of online search engines and any other artificial intelligence systems to delist or disable specific items of child sexual abuse, or both;

Or. en

Amendment 516

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) obligations on providers of online search engines to delist websites which were determined to host child sexual abuse material;

Or. en

Amendment 517

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point e

Text proposed by the Commission

Amendment

(e) rules on the implementation and enforcement of this Regulation, including as regards the designation and functioning of the competent authorities of the Member States, ***the EU Centre on Child Sexual Abuse established in Article 40 ('EU Centre') and cooperation and transparency.***

(e) rules on the implementation and enforcement of this Regulation, including as regards the designation and functioning of the competent authorities of the Member States;

Or. en

Justification

Moved the EU Centre to a separate point

Amendment 518

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) rules on the designation, functioning, cooperation, transparency and powers of the EU Centre on Child Sexual Abuse established in Article 40 ('EU Centre');

Or. en

Amendment 519

Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 1 – paragraph 1 – subparagraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) Obligations on providers of online games.

Or. en

Amendment 520
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. This Regulation shall only apply to services normally provided for remuneration.

Or. en

Justification

In line with the legal basis of internal market, the definitions of hosting services (Art. 3 (g) and (a) of Regulation (EU) 2022/2065, Article 1(1), point (b), of Directive (EU) 2015/1535) and communications services (Article 2 (5) of Directive (EU) 2018/1972) are limited to services normally provided for remuneration. For reasons of legal certainty and foreseeability this should be explicitly stated in this Regulation.

Amendment 521
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 1 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. This Regulation does not apply to audio communications.

Or. en

Amendment 522
Patrick Breyer

on behalf of the Verts/ALE Group
Proposal for a regulation
Article 1 – paragraph 3 – point b

Text proposed by the Commission

(b) Directive 2000/31/EC and Regulation (EU) .../... ***[on a Single Market For Digital Services*** (Digital Services Act) ***and amending Directive 2000/31/EC***;

Amendment

(b) Directive 2000/31/EC and Regulation (EU) **2022/2065** (Digital Services Act);

Or. en

Amendment 523
Vincenzo Sofo, Jadwiga Wiśniewska
Proposal for a regulation
Article 1 – paragraph 3 – point b a (new)

Text proposed by the Commission

(ba) Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online;

Or. en

Amendment 524
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 1 – paragraph 3 – point d

Text proposed by the Commission

(d) Regulation (EU) 2016/679, Directive 2016/680, Regulation (EU) 2018/1725, ***and, subject to paragraph 4 of this Article,*** Directive 2002/58/EC.

Amendment

(d) Regulation (EU) 2016/679, Directive 2016/680, Regulation (EU) 2018/1725 ***and*** Directive 2002/58/EC.

Or. en

Amendment 525
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 1 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) Regulation (EU) 2016/679, Directive 2016/680, Regulation (EU) 2018/1725, **and, subject to paragraph 4 of this Article**, Directive 2002/58/EC.

(d) Regulation (EU) 2016/679, Directive 2016/680, Regulation (EU) 2018/1725 **and** Directive 2002/58/EC.

Or. en

Amendment 526

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 1 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) Regulation (EU) 2016/679, Directive 2016/680, Regulation (EU) 2018/1725, **and, subject to paragraph 4 of this Article**, Directive 2002/58/EC.

(d) Regulation (EU) 2016/679, Directive 2016/680, Regulation (EU) 2018/1725, **and** Directive 2002/58/EC.

Or. en

Amendment 527

Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive)"

Or. en

Amendment 528

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) Directive (EU) 2022/2555 of the European Parliament and the Council of 14 December 2022 on measures for high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972 and repealing Directive (EU) 2016/1148 (NIS 2 Directive);

Or. en

Amendment 529

Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 1 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) Regulation (EU) .../... [laying down harmonised rules on artificial intelligence (Artificial Intelligence Act);

Or. en

Amendment 530

Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Nothing in this Regulation shall be interpreted as prohibiting, restricting or undermining, including de-facto, the provision or use of encrypted and end-to-end encrypted services. Providers shall not in particular be prohibited or discouraged from offering end-to-end encrypted services, and the provision of such services shall not be made, including de-facto, difficult, financially unsustainable, or impossible.

Or. en

Amendment 531

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation
Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. This regulation shall not have the effect of modifying the obligation to respect the rights, freedom and principles referred to in Article 6 TEU and shall apply without prejudice to fundamental principles relating to the right to private life and family life and to freedom of expression and information;

Or. en

Amendment 532

Paul Tang, Alex Agius Saliba, Birgit Sippel, Theresa Bielowski, Tiemo Wölken, Marina Kaljurand

Proposal for a regulation
Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. This Regulation shall not prohibit, weaken or undermine end-to-end encryption, prohibit providers of information society services from providing their services applying end-to-end encryption, or be interpreted in that way.

Or. en

Amendment 533

Cornelia Ernst, Clare Daly

Proposal for a regulation
Article 1 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. This Regulation shall be without prejudice to the rules on professional secrecy under national law, such as rules on the protection of professional communications, between doctors and their patients, between journalists and their sources, or between lawyers and their clients, in particular since the

confidentiality of communications between lawyers and their clients is key to ensuring the effective exercise of the rights of the defence as an essential part of the right to a fair trial.

Or. en

Amendment 534

Paul Tang, Alex Agius Saliba, Birgit Sippel, Theresa Bielowski, Tiemo Wölken, Marina Kaljurand, Patrick Breyer

Proposal for a regulation

Article 1 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. This Regulation shall not undermine the prohibition of general monitoring under Union law or introduce general data retention obligations, or be interpreted in that way.

Or. en

Amendment 535

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 1 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Nothing in this Regulation shall be interpreted as prohibiting or weakening end-to-end encryption.

Or. en

Amendment 536

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 1 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. This Regulation does not provide for a lawful basis for the processing of personal data for the sole purpose of detecting child sexual abuse on a voluntary basis.

Amendment 537
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 1 – paragraph 4

Text proposed by the Commission

Amendment

4. This Regulation limits the exercise of the rights and obligations provided for in 5(1) and (3) and Article 6(1) of Directive 2002/58/EC insofar as necessary for the execution of the detection orders issued in accordance with Section 2 of Chapter 1 of this Regulation.

deleted

Amendment 538
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 1 – paragraph 4

Text proposed by the Commission

Amendment

4. This Regulation limits the exercise of the rights and obligations provided for in 5(1) and (3) and Article 6(1) of Directive 2002/58/EC insofar as necessary for the execution of the detection *orders* issued in accordance with Section 2 of Chapter 1 of this Regulation.

4. This Regulation limits the exercise of the rights and obligations provided for in 5(1) and (3) and Article 6(1) of Directive 2002/58/EC *with the sole objective of enabling providers of number-independent interpersonal communications services, without prejudice to Regulation (EU) 2016/679, to use specific technologies for the processing of personal data to the extent strictly necessary to detect and report child sexual abuse material and remove child sexual abuse material on their services* insofar as necessary for the execution of the detection *warrants* issued in accordance with Section 2 of Chapter 1 of this Regulation.

Amendment 539

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 1 – paragraph 4

Text proposed by the Commission

4. This Regulation limits the exercise of the rights and obligations provided for in 5(1) and (3) and Article 6(1) of Directive 2002/58/EC *insofar as necessary for the execution of the detection orders* issued in accordance with Section 2 of Chapter 1 of this Regulation.

Amendment

4. This Regulation limits the exercise of the rights and obligations provided for in 5(1) and (3) and Article 6(1) of Directive 2002/58/EC *with the sole objective of enabling a provider of hosting services, a provider of number-independent interpersonal communications services or a provider of an artificial intelligence system to use specific technologies for the processing of personal data to the extent strictly necessary to detect and report online child sexual abuse and remove child sexual abuse material on their services, following a detection warrant* issued in accordance with Section 2 of Chapter 1 of this Regulation.

Amendment 540

Charlie Weimers, Cristian Terheş, Rob Rooken

Proposal for a regulation

Article 1 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. To ensure fundamental rights laid down in the European Union's, the Council of Europe's and the United Nation's human rights charters, core fundamentals of our democratic society and the rule of law - citizens' right to privacy and private correspondence must be upheld. Therefore, detection orders can only be issued towards persons suspected of criminal activity. There shall be no general monitoring of ordinary law-abiding citizens and users of interpersonal communication services private messages.

Justification

Human rights offline shall also apply online, as stated in the United Nations Human Rights Council resolution A/HRC/RES/20/8.

Amendment 541

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 1 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. This Regulation does not apply to audio communications.

Or. en

Amendment 542

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 1 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. This Regulation does not apply to audio communications.

Or. en

Amendment 543

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 1 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. This Regulation does not apply to text communications.

Amendment 544

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘hosting service’ means ***an information society*** service as defined in Article 2, point (f), third indent, of Regulation (EU) .../... ***[on a Single Market For Digital Services*** (Digital Services Act) ***and amending Directive 2000/31/EC***];

Amendment

(a) ‘hosting service’ means ***a hosting*** service as defined in Article 3, point (g), third indent, of Regulation (EU) ***2022/2065*** (Digital Services Act);

Justification

correct reference 3, point g, third indent



2022/0155(COD)

30.5.2023

AMENDMENTS

545 - 953

Draft report

Javier Zarzalejos

(PE746.811v01-00)

Laying down rules to prevent and combat child sexual abuse

Proposal for a regulation

(COM(2022)0209 – C9-0174/2022 – 2022/0155(COD))

AM_Com_LegReport

Amendment 545

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) ‘interpersonal communications **service**’ means a publicly available service as defined in Article 2, point 5, of Directive (EU) 2018/1972, **including services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service;**

Amendment

(b) ‘**number independent** interpersonal communications **services** as defined in Article 2, point 7, of Directive (EU) 2018/1972;

Or. en

Justification

Horizontal Amendment

Amendment 546

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) ‘interpersonal communications service’ means a publicly available service as defined in Article 2, point 5, of Directive (EU) 2018/1972, **including services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service;**

Amendment

(b) ‘interpersonal communications service’ means a publicly available service as defined in Article 2, point 5, of Directive (EU) 2018/1972;

Or. en

Amendment 547

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) ‘interpersonal communications service’ means a publicly available service as defined in Article 2, point 5, of Directive (EU) 2018/1972, including services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service;

Amendment

(b) ‘**number-independent** interpersonal communications service’ means a publicly available service as defined in Article 2, point 7, of Directive (EU) 2018/1972, including services which enable direct interpersonal and interactive exchange of information merely as a minor ancillary feature that is intrinsically linked to another service;

Or. en

Amendment 548

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) ‘number-independent interpersonal communications service within games’ means any service defined in Article 2, point 7 of Directive (EU) 2018/1972 which is part of a game;

Or. en

Amendment 549

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 2 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) ‘number-independent interpersonal communications service’ means a publicly available service as defined in Article 2, point 7, of Directive (EU) 2018/1972;

Or. en

Amendment 550

Patrick Breyer

on behalf of the Verts/ALE Group
Proposal for a regulation
Article 2 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) ‘software application store’ means a service as defined in Article 2, point 12, of Regulation (EU) .../... [on contestable and fair markets in the digital sector (Digital Markets Act)]; **deleted**

Or. en

Amendment 551

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) ‘software application store’ means a service as defined in Article 2, point 12, of Regulation (EU) .../... [on contestable and fair markets in the digital sector (Digital Markets Act)]; **deleted**

Or. en

Amendment 552

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) ‘internet access service’ means a service as defined in Article 2(2), point 2, of Regulation (EU) 2015/2120 of the European Parliament and of the Council⁴⁹ ; **deleted**

⁴⁹ *Regulation (EU) 2015/2120 of the*

**European Parliament and of the Council
of 25 November 2015 laying down
measures concerning open internet access
and amending Directive 2002/22/EC on
universal service and users' rights
relating to electronic communications
networks and services and Regulation
(EU) No 531/2012 on roaming on public
mobile communications networks within
the Union (OJ L 310, 26.11.2015, p. 1–
18).**

Or. en

**Amendment 553
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 2 – paragraph 1 – point e**

Text proposed by the Commission

Amendment

**(e) ‘internet access service’ means a
service as defined in Article 2(2), point 2,
of Regulation (EU) 2015/2120 of the
European Parliament and of the
Council⁴⁹ ;** *deleted*

⁴⁹ **Regulation (EU) 2015/2120 of the
European Parliament and of the Council
of 25 November 2015 laying down
measures concerning open internet access
and amending Directive 2002/22/EC on
universal service and users' rights
relating to electronic communications
networks and services and Regulation
(EU) No 531/2012 on roaming on public
mobile communications networks within
the Union (OJ L 310, 26.11.2015, p. 1–
18).**

Or. en

**Amendment 554
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 2 – paragraph 1 – point e a (new)**

Text proposed by the Commission

Amendment

(ea) ‘artificial intelligence system’ means software as defined in Article 3(1) of Regulation (EU) .../... [laying down harmonised rules on artificial intelligence (Artificial Intelligence Act)];

Or. en

Amendment 555

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Abir Al-Sahlani, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 2 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) “online search engine” means an intermediary service as defined in Article 3, point (j), of Regulation (EU) 2022/2065;

Or. en

Amendment 556

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 2 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) ‘intermediary service’ means a service as defined in Article 3, point (g), of Regulation (EU) 2022/2065;

Or. en

Amendment 557

Hilde Vautmans, Fabienne Keller, Maite Pagazaurtundúa, Olivier Chastel, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 2 – paragraph 1 – point e c (new)

Text proposed by the Commission

Amendment

(ec) ‘artificial intelligence system’ (AI system) means software as defined in

Article 3(1) of Regulation (EU) .../... on Artificial Intelligence (Artificial Intelligence Act);

Or. en

Amendment 558

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point f – point ii

Text proposed by the Commission

Amendment

(ii) *an* interpersonal communications service;

(ii) *a publicly available number-independent* interpersonal communications service;

Or. en

Amendment 559

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 2 – paragraph 1 – point f – point ii

Text proposed by the Commission

Amendment

(ii) *an* interpersonal communications service;

(ii) *a number-independent* interpersonal communications service;

Or. en

Amendment 560

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 2 – paragraph 1 – point f – point ii

Text proposed by the Commission

Amendment

(ii) *an* interpersonal communications service;

(ii) *a number-independent* interpersonal communications service;

Or. en

Amendment 561

Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 2 – paragraph 1 – point f – point ii

Text proposed by the Commission

Amendment

(ii) *an* interpersonal communications
service;

(ii) *independent* interpersonal
communications *services*;

Or. en

Amendment 562
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 2 – paragraph 1 – point f – point iii

Text proposed by the Commission

Amendment

(iii) *a software applications store*;

deleted

Or. en

Amendment 563
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 2 – paragraph 1 – point f – point iii

Text proposed by the Commission

Amendment

(iii) *a software applications store*;

deleted

Or. en

Amendment 564
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 2 – paragraph 1 – point f – point iii

Text proposed by the Commission

Amendment

(iii) *a software applications store*;

deleted

Or. en

Amendment 565

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point f – point iii

Text proposed by the Commission

Amendment

(iii) a software applications store; **deleted**

Or. en

Amendment 566

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point f – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) online games;

Or. en

Amendment 567

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 2 – paragraph 1 – point f – point iv

Text proposed by the Commission

Amendment

(iv) an internet access service. **deleted**

Or. en

Amendment 568

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 2 – paragraph 1 – point f – point iv a (new)

Text proposed by the Commission

Amendment

(iva) an artificial intelligence system;

Or. en

Amendment 569

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Abir Al-Sahlani, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 2 – paragraph 1 – point f – point iv a (new)

Text proposed by the Commission

Amendment

(iva) an online search engine;

Or. en

Amendment 570

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 2 – paragraph 1 – point f – point iv b (new)

Text proposed by the Commission

Amendment

(ivb) an artificial intelligence system.

Or. en

Amendment 571

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) (ha) ‘hotline’ means an organisation providing a mechanism, other than the reporting channels provided by law enforcement agencies, for receiving anonymous report from the public about alleged child sexual abuse material and online child sexual exploitation, which is officially recognised by the Member State of establishment as expressed in Directive 2011/93/EU and its articles of association mention the mission of combatting child sexual abuse;

Or. en

Amendment 572

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point h b (new)

Text proposed by the Commission

Amendment

(hb) ‘help-line’ means an organisation providing services for children in need as recognised by the Member State of establishment in line with Directive 2011/93/EU;

Or. en

Amendment 573

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 2 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) ‘child’ means any natural person below the age of 18 years;

(i) ‘child’ means any natural person below the age of ***consent as regulated in the respective Member States, but at least below the age of 18*** years;

Or. en

Amendment 574

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Hélène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Article 2 – paragraph 1 – point i a (new)

Text proposed by the Commission

Amendment

(ia) "adult" means any natural person above the age of 18 years;

Or. en

Amendment 575

Vincenzo Sofo, Cristian Terheş, Jadwiga Wiśniewska

Proposal for a regulation

Article 2 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural

deleted

person below the age of 17 years;

Or. en

Justification

The ambiguity that arises from the conceptual confusion between 'child' and 'child user' is problematic especially as it relates to and has relevance for the imposition of age limits for messaging apps.

Amendment 576

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 2 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below the age of 17 years; *deleted*

Or. en

Amendment 577

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 2 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below the age of 17 years; *deleted*

Or. en

Amendment 578

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 2 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below the age of 17 years;

deleted

Or. en

Amendment 579

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 2 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below the age of 17 years;

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below the age of ***consent as regulated in the respective Member States, but at least below the age of 17*** years;

Or. en

Amendment 580

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a ***natural person below the age of 17 years***;

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a ***child***;

Or. en

Amendment 581

Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Olivier Chastel, Maite

Pagazaurtundúa, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 2 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below

the age of **17** years;

the age of **18** years;

Or. en

Amendment 582

Fabienne Keller

Proposal for a regulation

Article 2 – paragraph 1 – point j

Text proposed by the Commission

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below the age of **17** years;

Amendment

(j) ‘child user’ means a natural person who uses a relevant information society service and who is a natural person below the age of **18** years;

Or. en

Amendment 583

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzson, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Article 2 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) "adult user" means a natural person who uses a relevant information society service and who is a natural person above the age of 18 years;

Or. en

Amendment 584

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 2 – paragraph 1 – point l

Text proposed by the Commission

Amendment

(l) ‘child sexual abuse material’ means material **constituting** child **pornography or pornographic performance** as defined in Article 2, points (c) and (e), respectively, of Directive 2011/93/EU;

(l) ‘child sexual abuse material’ means **any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of the sexual organs of a child for primarily sexual purposes or any material that visually depicts any person appearing to be a child engaged in real or simulated**

sexually explicit conduct or any depiction of the sexual organs of any person appearing to be a child, for primarily sexual purposes; or realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, for primarily sexual purposes; or a live exhibition aimed at an audience, including by means of information and communication technology, of a child engaged in real or simulated sexually explicit conduct; or the depict of sexual organs of a child for primarily sexual purposes as defined in Article 2, points (c) and (e), respectively, of Directive 2011/93/EU;

Or. en

Amendment 585
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 2 – paragraph 1 – point m

Text proposed by the Commission

(m) ‘known child sexual abuse material’ means potential child sexual abuse material detected *using the indicators contained in the database of indicators referred to in Article 44(1), point (a);*

Amendment

(m) ‘known child sexual abuse material’ means potential child sexual abuse material detected;

Or. en

Amendment 586
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 2 – paragraph 1 – point n

Text proposed by the Commission

(n) ‘new child sexual abuse material’ means potential child sexual abuse material detected using the indicators contained in the database of indicators referred to in Article 44(1), point (b);

Amendment

deleted

Or. en

Amendment 587

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 2 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) ‘new child sexual abuse material’ **deleted**
means potential child sexual abuse
material detected using the indicators
contained in the database of indicators
referred to in Article 44(1), point (b);

Or. en

Amendment 588

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 2 – paragraph 1 – point o

Text proposed by the Commission

Amendment

(o) ‘solicitation of children’ means **deleted**
the solicitation of children for sexual
purposes as referred to in Article 6 of
Directive 2011/93/EU;

Or. en

Amendment 589

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

Proposal for a regulation

Article 2 – paragraph 1 – point p

Text proposed by the Commission

Amendment

(p) ‘online child sexual abuse’ means
the online dissemination of child sexual
abuse material and the solicitation of
children;

(p) ‘online child sexual abuse’ means
the online dissemination of child sexual
abuse material and the solicitation of
children, *including the exposure of*
children to pornographic content online;

Or. en

Amendment 590

Annalisa Tardino
Proposal for a regulation
Article 2 – paragraph 1 – point p

Text proposed by the Commission

(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material and the solicitation of children;

Amendment

(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material ***including self-generated material disseminated without consent*** and the solicitation of children;

Or. en

Amendment 591
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 2 – paragraph 1 – point p

Text proposed by the Commission

(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material ***and the solicitation of children***;

Amendment

(p) ‘online child sexual abuse’ means the online dissemination of child sexual abuse material;

Or. en

Amendment 592
Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy
Proposal for a regulation
Article 2 – paragraph 1 – point q

Text proposed by the Commission

(q) ‘child sexual abuse offences’ means offences as defined in Articles 3 to 7 of Directive 2011/93/EU;

Amendment

(q) ‘child sexual abuse offences’ means offences as defined in Articles 3 to 7 of Directive 2011/93/EU, ***and, for the scope of this regulation, extends the offense referred to in Article 3, paragraph 2 of the same directive, to the witnessing of sexual activities online, even without having to participate***;

Or. en

Amendment 593
Lucia Ďuriš Nicholsonová, Fabienne Keller
Proposal for a regulation

Article 2 – paragraph 1 – point q a (new)

Text proposed by the Commission

Amendment

(qa) *(q a) ‘victim’ means a person residing in the European Union who being under 18 suffered child sexual abuse offences. For the purpose of exercising the victim’s rights recognised in this Regulation, parents and guardians, as well as any person who was under 18 at the time the material was made, whose material has been hosted or disseminated in the European Union, are to be considered victims;*

Or. en

Amendment 594

Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlani, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior

Proposal for a regulation

Article 2 – paragraph 1 – point q a (new)

Text proposed by the Commission

Amendment

(qa) *“person suspected of being involved in child sexual abuse” means an identified individual person about whom verifiable adequate evidence exists, which gives rise to the suspicion that that person has committed a child sexual abuse offence, attempted to commit a child sexual abuse offence, or prepared by committing a criminal offence to commit a child sexual abuse offence;*

Or. en

Amendment 595

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 2 – paragraph 1 – point q a (new)

Text proposed by the Commission

Amendment

(qa) *‘child survivor’ means a person as defined in Article 2(1) point (a) of Directive 2011/93/EU who is below 18*

years of age and suffered child sexual abuse offences;

Or. en

Amendment 596

Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlan, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior

Proposal for a regulation

Article 2 – paragraph 1 – point q b (new)

Text proposed by the Commission

Amendment

(qb) 'person disqualified from exercising activities involving children' means an identified individual person, who, in line with Article 10 of Directive 2011/93/EU, is temporarily or permanently disqualified from exercising activities involving direct and regular contacts with children;

Or. en

Amendment 597

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 2 – paragraph 1 – point q b (new)

Text proposed by the Commission

Amendment

(qb) 'survivor' means a person as defined in Article 2(1) point (a) of Directive 2011/93/EU who suffered child sexual abuse offences;

Or. en

Amendment 598

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 2 – paragraph 1 – point s

Text proposed by the Commission

Amendment

(s) 'content data' means data as defined in Article 2, point 10, of Regulation (EU) ... [on European Production and Preservation Orders for

deleted

*electronic evidence in criminal matters
(.../... e-evidence Regulation)];*

Or. en

Amendment 599

Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 2 – paragraph 1 – point s

Text proposed by the Commission

Amendment

(s) ‘content data’ means *data as defined in Article 2, point 10, of Regulation (EU) ... [on European Production and Preservation Orders for electronic evidence in criminal matters (.../... e-evidence Regulation)]*;

(s) ‘content data’ means *videos and images in a digital format*;

Or. en

Amendment 600

René Repasi, Tiemo Wölken
on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 2 – paragraph 1 – point s

Text proposed by the Commission

Amendment

(s) ‘content data’ means *data as defined in Article 2, point 10, of Regulation (EU) ... [on European Production and Preservation Orders for electronic evidence in criminal matters (.../... e-evidence Regulation)]*;

(s) ‘content data’ means *videos and images in a digital format*;

Or. en

Amendment 601

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 2 – paragraph 1 – point w

Text proposed by the Commission

Amendment

(w) ‘main establishment’ means the

(w) ‘main establishment’ means the

head office or registered office of the provider of relevant information society services within which the principal financial functions and operational control are exercised.

office of the provider of relevant information society services within which the principal financial functions and operational control are exercised.

Or. en

Amendment 602

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

Proposal for a regulation

Article 2 – paragraph 1 – point w a (new)

Text proposed by the Commission

Amendment

(wa) ‘hotline’ means an organisation providing a mechanism, other than the reporting channels provided by law enforcement agencies, for receiving anonymous complaints from the public about alleged child sexual abuse material and online child sexual exploitation, which meets the following criteria: (a) is officially recognised by its home Member State as expressed in the Directive 2011/93/EU of the European Parliament and of the Council; (b) has the mission of combatting child sexual abuse material in its articles of association; and (c) is part of a recognised and well-established international network;

Or. en

Amendment 603

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Article 2 – paragraph 1 – point w a (new)

Text proposed by the Commission

Amendment

(wa) ‘hotline’ means an organisation providing a mechanism, other than the reporting channels provided by law enforcement agencies, for receiving anonymous information from the public about potential child sexual abuse material and online child sexual exploitation, which is officially

recognised by its home Member State as expressed in the Directive 2011/93/EU of the European Parliament and of the Council and has the mission of combatting child sexual abuse material in its articles of association;

Or. en

Amendment 604
Annalisa Tardino
Proposal for a regulation
Article 2 – paragraph 1 – point w a (new)

Text proposed by the Commission

Amendment

(wa) 'victim' means a minor who suffered child sexual abuses offences including the non-consensual dissemination of self-generated material. For the purpose of exercising victim's rights listed in this Regulation, legal representatives shall be considered victims.

Or. en

Amendment 605
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 2 – paragraph 1 – point w a (new)

Text proposed by the Commission

Amendment

(wa) 'hotline' means an organisation officially recognised by a Member State, other than the reporting channels provided by law enforcement authorities, for receiving anonymous complaints from victims and the public about alleged child sexual abuse;

Or. en

Amendment 606
Vincenzo Sofo, Jadwiga Wiśniewska
Proposal for a regulation
Article 2 – paragraph 1 – point w a (new)

Text proposed by the Commission

Amendment

(wa) "online search engine" means an intermediary service as defined in Article 3, point (j), of Regulation (EU) 2022/2065;

Or. en

Amendment 607

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 2 – paragraph 1 – point w b (new)

Text proposed by the Commission

Amendment

(wb) 'hotline' means an organization recognized by its Member State of establishment, which provides either a reporting channel provided by law enforcement authorities, or service for receiving anonymous complaints from victims and the public about alleged child sexual abuse online.

Or. en

Amendment 608

Paul Tang, Alex Agius Saliba, Theresa Bielowski, Tiemo Wölken, Marina Kaljurand

Proposal for a regulation

Article -3 (new)

Text proposed by the Commission

Amendment

Article-3

Protection of fundamental human rights and confidentiality in communications

1. Nothing in this Regulation shall prohibit, weaken or undermine end-to-end encryption, prohibit providers of information society services from providing their services applying end-to-end encryption or be interpreted in that way.

2. Nothing in this Regulation shall undermine the prohibition of general monitoring under Union law or introduce

Amendment 609

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall identify, analyse and assess, for each such service that they offer, *the risk of* use of *the service for the purpose of online* child sexual abuse.

Amendment

1. Providers of hosting services and providers of ***number-independent*** interpersonal communications services shall identify, analyse and assess, for each such service that they offer, ***any significant systemic residual serious risks stemming from the functioning and use of their services in the Union that their services are being used to disseminate or exchange*** child sexual abuse ***material***.

This is without prejudice to the prohibition on general monitoring nor generalised data retention, and should not be understood as an obligation on providers of relevant information society services to break, weaken or undermine end-to-end encryption or to take other steps that compromise the security, integrity and confidentiality of communications.

Amendment 610

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall identify, analyse and assess,

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall identify, analyse and assess

for each such service that they offer, the risk of use of the service for the purpose of online child sexual abuse.

any serious systemic risk stemming from the functioning and use of their services for the purpose of online child sexual abuse. That risk assessment shall be specific to the services they offer and proportionate to the serious systemic risk considering its severity and probability. To this end, providers subject to an obligation to conduct a risk assessment under Regulation (EU) 2022/2065 may draw on that risk assessment and complement it with a more specific assessment of the risks of use of their services for the purpose of online child sexual abuse.

Or. en

Amendment 611

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall identify, analyse and assess, for each such service that they offer, *the risk of* use of the service for the purpose of online child sexual abuse.

Amendment

1. Providers of hosting services and providers of **publicly available number-independent** interpersonal communications services **that are exposed to a substantial amount of online child sexual abuse** shall identify, analyse and assess, for each such service that they offer, **risks stemming from the design, functioning, including algorithmic recommender systems, or** use of the service for the purpose of online child sexual abuse.

Or. en

Justification

To align with Terrorist Content Online Regulation 2021/784 and to ensure proportionality. For example, the online customer support chat for a consumer product will likely never be exposed to online child sexual abuse, and a risk assessment would not be helpful.

Amendment 612

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall **identify, analyse and assess, for each such service that they offer, the risk** of use of the service for the purpose of online child sexual abuse.

Amendment

1. Providers of hosting services and providers of **number independent** interpersonal communications **services shall carry out a risk assessment** of use of the service for the purpose of online child sexual abuse. **The risk assessment shall be made public.**

Or. en

Amendment 613

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Abir Al-Sahlani, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall identify, analyse and assess, for each such service that they offer, the risk of use of the service for the purpose of online child sexual abuse.

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall identify, analyse and assess, for each such service that they offer, the risk of use of the service for the purpose of online child sexual abuse, **which requires a targeted and tailor-made response;**

Or. en

Amendment 614

Rob Rooken

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall identify, analyse and assess, for each such service that they offer, **the** risk of use of the service for the purpose of online child sexual abuse.

Amendment

1. Providers of hosting services and providers of **number independent** interpersonal communications services shall identify, analyse and assess, for each such service that they offer, **any recurrent systemic** risk of use of the service for the purpose of online child sexual abuse.

Or. en

Justification

The concept of “risk” is very broad. The assessment of “recurrent systemic risks” increases legal certainty for providers, allowing them to focus on the most problematic risks of misuse of the service.

Amendment 615

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

A hosting service provider or publicly available number-independent interpersonal communication service is exposed to online child sexual abuse where:

Or. en

Amendment 616

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a) the coordinating authority of the Member State of its main establishment or where its legal representative resides or is established has taken a decision, on the basis of objective factors, such as the provider having received two or more final removal orders in the previous 12 months, finding that the provider is exposed to online child sexual abuse, and notified the decision to the provider; or

Or. en

Amendment 617

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 1 – point b (new)

Text proposed by the Commission

Amendment

(b) the provider submitted two or more reports of potential online child sexual abuse in the previous 12 months in accordance with Article 12.

Or. en

Amendment 618

Paul Tang, Alex Agius Saliba, Birgit Sippel, Theresa Bielowski

Proposal for a regulation

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without prejudice to Regulation (EU) 2022/2065, when conducting the risk assessment, providers of hosting services and providers of interpersonal communications services shall respect and avoid any actual or foreseeable negative effects for the exercise of fundamental rights, in particular the fundamental rights to human dignity, respect for private and family life, the protection of personal data, freedom of expression and information, including the freedom and pluralism of the media, the prohibition of discrimination, the rights of the child and consumer protection, as enshrined in Articles 1, 7, 8, 11, 21, 24 and 38 of the Charter respectively.

Or. en

Amendment 619

Rob Rooken

Proposal for a regulation

Article 3 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Risk assessment obligations shall always be strictly necessary and proportionate, and shall never entail a general monitoring obligation, an obligation to seek knowledge about the content of private communications, nor

an obligation for providers to seek knowledge of illegal content.

Or. en

Amendment 620

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) *any previously* identified instances of use of its services for the purpose of online child sexual abuse;

Amendment

(a) *the significant, systemic, serious risks and* identified instances of use of its services for the purpose of online child sexual abuse;

Or. en

Amendment 621

Rob Rooken

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) *any previously* identified instances of use of its services for the purpose of online child sexual abuse;

Amendment

(a) *recurrent systemic risks and* identified instances of use of its services for the purpose of online child sexual abuse;

Or. en

Amendment 622

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) *any previously* identified instances of use of its services for the purpose of online child sexual abuse;

Amendment

(a) *serious systemic risks and* identified instances of use of its services for the purpose of online child sexual abuse;

Amendment 623

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) any actual or foreseeable negative effects for the exercise of fundamental rights;

Or. en

Justification

from DSA

Amendment 624

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 3 – paragraph 2 – point b – introductory part

Text proposed by the Commission

Amendment

(b) the existence *and implementation by the provider of a policy and the availability of functionalities to address the risk referred to in paragraph 1, including through the following:*

(b) the existence *of:*

Or. en

Amendment 625

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Article 3 – paragraph 2 – point b – introductory part

Text proposed by the Commission

Amendment

(b) the existence and implementation by the provider of a policy and the availability of functionalities to address *the risk* referred to in paragraph 1, including through the following:

(b) the existence and implementation by the provider of a policy and the availability of functionalities to *prevent and address online child sexual abuse and risks* referred to in paragraph 1, including through the following:

Amendment 626

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 2 – point b – introductory part

Text proposed by the Commission

(b) the existence and implementation by the provider of a policy and the availability of functionalities to address the risk referred to in paragraph 1, including through the following:

Amendment

(b) the existence and implementation by the provider of a policy and the availability **and effectiveness** of functionalities to address the risk referred to in paragraph 1, including through the following:

Or. en

Amendment 627

Fabienne Keller

Proposal for a regulation

Article 3 – paragraph 2 – point b – introductory part

Text proposed by the Commission

(b) the existence and implementation by the provider of a policy and the availability of functionalities to address the risk referred to in paragraph 1, including through the following:

Amendment

(b) the existence and implementation by the provider of a policy and the availability of functionalities to **prevent** **and** address the risk referred to in paragraph 1, including through the following:

Or. en

Amendment 628

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Abir Al-Sahlani, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 3 – paragraph 2 – point b – introductory part

Text proposed by the Commission

(b) the existence and implementation by the provider of a policy and the availability of functionalities to address the risk referred to in paragraph 1, including through the following:

Amendment

(b) the existence and implementation by the provider of a policy and the availability of functionalities to **prevent** **and** address the risk referred to in paragraph 1, including through the following:

Amendment 629

Rob Rooker

Proposal for a regulation

Article 3 – paragraph 2 – point b – introductory part

Text proposed by the Commission

Amendment

(b) the existence and implementation by the provider of a policy and the availability of functionalities to address the **risk** referred to in paragraph 1, including through the following:

(b) the existence and implementation by the provider of a policy and the availability of functionalities to address the **systemic risks** referred to in paragraph 1, including through the following:

Or. en

Amendment 630

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 1

Text proposed by the Commission

Amendment

– **prohibitions and restrictions laid down in the terms and conditions;**

deleted

Or. en

Amendment 631

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 1 a (new)

Text proposed by the Commission

Amendment

- **the availability to employ appropriate technical measures - such as parental control tools - to prevent underage access and exposure to inappropriate content or services;**

Or. en

Amendment 632

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 2

Text proposed by the Commission

Amendment

- *measures taken to enforce such prohibitions and restrictions;* *deleted*

Or. en

Amendment 633

Annalisa Tardino

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 2

Text proposed by the Commission

Amendment

- measures taken to enforce such prohibitions and restrictions;

- measures taken to enforce such prohibitions and restrictions *and the ammount of human and financial resources dedicated to identify, analyse and assess the presence of child sexual abuse;*

Or. en

Amendment 634

Hilde Vautmans, Abir Al-Sahlani, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 2 a (new)

Text proposed by the Commission

Amendment

- *- implementing functionalities and protocols to prevent and reduce the risk of online child sexual abuse;*
- *information and awareness campaigns educating and warning users of the risk of online child sexual abuse;*

Or. en

Amendment 635

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3

Text proposed by the Commission

Amendment

- *functionalities enabling age verification;* *deleted*

Or. en

Justification

EDPB and EDPS note that there is currently no technological solution that is capable of assessing with certainty the age of a user in an online context, without relying on an official digital identity, which is not available to every European citizen at this stage.

Amendment 636

Paul Tang, Alex Agius Saliba, Birgit Sippel, Theresa Bielowski

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3

Text proposed by the Commission

Amendment

- *functionalities enabling age verification;* *deleted*

Or. en

Amendment 637

Rob Rooken

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3

Text proposed by the Commission

Amendment

- *functionalities enabling age verification;* *deleted*

Or. en

Amendment 638

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3

Text proposed by the Commission

Amendment

- *functionalities enabling age verification;* *deleted*

Or. en

Amendment 639

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3

Text proposed by the Commission

- functionalities enabling **age verification**;

Amendment

- functionalities enabling ***the effective protection of children online, in line with children’s increasing need for autonomy and increasing rights to access to information and freedom of expression as they grow***;

Or. en

Amendment 640

Loránt Vincze, François-Xavier Bellamy, Miriam Lexmann

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3

Text proposed by the Commission

- functionalities enabling age verification;

Amendment

- functionalities enabling age verification ***and subsequent blocking of age-restricted websites and content***;

Or. en

Amendment 641

Annalisa Tardino

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 3

Text proposed by the Commission

- functionalities enabling age verification;

Amendment

- functionalities enabling age verification ***and parental control***;

Or. en

Amendment 642

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4

Text proposed by the Commission

Amendment

– functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible and age-appropriate;

– functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible and age-appropriate; ***and capacity to meaningfully deal with those reports in a timely manner;***

Or. en

Amendment 643

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4

Text proposed by the Commission

– functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible and age-appropriate;

Amendment

– functionalities enabling users to flag ***or notify*** online child sexual abuse to the provider through tools that are easily accessible and age-appropriate, ***including already available anonymous reporting channels as provided by Directive (EU) 2019/1937;***

Or. en

Amendment 644

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4

Text proposed by the Commission

– functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible and age-appropriate;

Amendment

– functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily ***recognisable***, accessible and age-appropriate, ***child- and user-friendly, including anonymous user-reporting channels;***

Or. en

Amendment 645

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4

Text proposed by the Commission

- functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible **and** age-appropriate;

Amendment

- functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily **recognisable**, accessible, age-appropriate **and child- and user friendly, including anonymous reporting channels**;

Or. en

Amendment 646

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4

Text proposed by the Commission

- functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible and age-appropriate;

Amendment

- functionalities enabling users to flag **and report** online child sexual abuse to the provider through tools that are easily accessible and age-appropriate **with timely response**;

Or. en

Amendment 647

Rob Rooken

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4

Text proposed by the Commission

- functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible **and age-appropriate**;

Amendment

- functionalities enabling users to flag online child sexual abuse to the provider through tools that are easily accessible;

Or. en

Amendment 648

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4 a (new)

Text proposed by the Commission

Amendment

- *systems and mechanisms that provide child- and user-friendly resources to ensure that children can seek help swiftly, including information on how to contact national child protection organisations or national law enforcement*

Or. en

Amendment 649

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4 a (new)

Text proposed by the Commission

Amendment

- *systems and mechanisms that provide child- and user-friendly resources to ensure that children can seek help swiftly, including information on how to contact national child protection organisations or national law enforcement.*

Or. en

Amendment 650

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4 a (new)

Text proposed by the Commission

Amendment

- *– Functionalities enabling detection for known child sexual abuse material on upload;*
- *– Functionalities preventing uploads from the dark web;*

Or. en

Amendment 651

Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Stelios Kypouropoulos, Tomas Tobé, Jessica Polfjård, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4 a (new)

Text proposed by the Commission

Amendment

- *functionalities enabling age-appropriate parental controls, including with the use of AI;*

Or. en

Justification

As proposed by the rapporteur, with the addition of the use of AI.

Amendment 652

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4 a (new)

Text proposed by the Commission

Amendment

- *funcionalities enabling self-reporting by children, their parents or legal guardians.*

Or. en

Amendment 653

Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Stelios Kypouropoulos, Tomas Tobé, Jessica Polfjård, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Article 3 – paragraph 2 – point b – indent 4 b (new)

Text proposed by the Commission

Amendment

- *functionalities enabling self-reporting, including with the use of AI;*

Or. en

Justification

As proposed by the rapporteur, with the addition of the use of AI.

Amendment 654

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 3 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the manner in which users use the service and the impact thereof on that risk; **deleted**

Or. en

Amendment 655

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the manner in which users use the service and the impact thereof on that risk; **deleted**

Or. en

Amendment 656

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the manner in which users use the service and the impact thereof on that risk; **deleted**

Or. en

Justification

This is too vague to be implemented effectively.

Amendment 657

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 3 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, and the impact thereof on that risk;

deleted

Or. en

Amendment 658

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, and the impact thereof on that risk;

(d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, and the impact thereof on that risk.

This is without prejudice to the prohibition on general monitoring nor generalised data retention, and should not be understood as an obligation on providers of relevant information society services to break, weaken or undermine end-to-end encryption or to take other steps that compromise the security, integrity and confidentiality of communications;

Or. en

Amendment 659

Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 3 – paragraph 2 – point d

Text proposed by the Commission

(d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, and the impact thereof on that risk;

Amendment

(d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, ***the design of their recommender systems and any other relevant algorithmic systems*** and the impact thereof on that risk;

Or. en

Amendment 660
Lucia Ďuriš Nicholsonová, Fabienne Keller
Proposal for a regulation
Article 3 – paragraph 2 – point d

Text proposed by the Commission

(d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, and the impact thereof on that risk;

Amendment

(d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, ***whether the service is available directly to end users***, and the impact thereof on that risk;

Or. en

Amendment 661
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 3 – paragraph 2 – point d

Text proposed by the Commission

(d) the manner in which the provider designed and operates the service, including the business model, governance and relevant systems and processes, and the impact thereof on that risk;

Amendment

(d) the manner in which the provider designed and operates the service, including the business model, governance, ***type of users targeted***, and relevant systems and processes, and the impact thereof on that risk;

Or. en

Amendment 662
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 3 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) *with respect to the risk of solicitation of children:* **deleted**

(i) *the extent to which the service is used or is likely to be used by children;*

(ii) *where the service is used by children, the different age groups of the child users and the risk of solicitation of children in relation to those age groups;*

(iii) *the availability of functionalities creating or reinforcing the risk of solicitation of children, including the following functionalities:*

— *enabling users to search for other users and, in particular, for adult users to search for child users;*

— *enabling users to establish contact with other users directly, in particular through private communications;*

— *enabling users to share images or videos with other users, in particular through private communications.*

Or. en

Amendment 663
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 3 – paragraph 2 – point e – introductory part

Text proposed by the Commission

Amendment

(e) *with respect to the risk of solicitation of children:*

(e) *with respect to the risk of **rights** of children:*

Or. en

Amendment 664

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Article 3 – paragraph 2 – point e – point i

Text proposed by the Commission

(i) the extent to which the service is used or is likely to be used by children;

Amendment

(i) the extent to which the service is used or is likely to be used by children, ***such as an assessment of public surfaces, behavioral signals, the frequency of user reports of online child sexual abuse, and the results of random sampling of content,***

Or. en

Amendment 665

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 3 – paragraph 2 – point e – point i

Text proposed by the Commission

(i) the extent to which the service is ***used or is likely to be used by*** children;

Amendment

(i) the extent to which the service is ***directly targeting*** children;

Or. en

Amendment 666

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 2 – point e – point i

Text proposed by the Commission

(i) the extent to which the service is ***used or is likely to be used by*** children;

Amendment

(i) the extent to which the service is ***directly targeting*** children

Or. en

Amendment 667

Rob Rooken

Proposal for a regulation

Article 3 – paragraph 2 – point e – point i

Text proposed by the Commission

Amendment

(i) the extent to which the service is ***used or is likely to be used by children***;

(i) the extent to which the service is ***targeting child users***;

Or. en

Amendment 668

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 2 – point e – point ii

Text proposed by the Commission

Amendment

(ii) ***where the service is used by children, the different age groups of the child users and the risk of solicitation of children in relation to those age groups***;

deleted

Or. en

Amendment 669

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 2 – point e – point ii

Text proposed by the Commission

Amendment

(ii) where the service is used by children, the different age groups of the child users and the ***risk*** of solicitation of children in relation to those age groups;

(ii) where the service is ***used or likely to be*** used by children, the different age groups ***or likely age groups*** of the child users and the ***relative scale, frequency and nature of previously identified instances of use of its services for the purpose*** of solicitation of children in relation to those age groups;

Or. en

Amendment 670

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 3 – paragraph 2 – point e – point ii

Text proposed by the Commission

Amendment

(ii) where the service is ***used by*** children, the different age groups of the ***child users and the risk of solicitation of*** children ***in relation to those age groups***;

(ii) where the service is ***directly targeting*** children, the different age groups of the children ***the service is targeting***;

Or. en

Amendment 671

Rob Rooken

Proposal for a regulation

Article 3 – paragraph 2 – point e – point ii

Text proposed by the Commission

Amendment

(ii) where the service is ***used by children***, the different age groups of the child users and the risk of solicitation of children in relation to those age groups;

(ii) where the service is ***targeting child users***, the different age groups of the child users and the risk of solicitation of children in relation to those age groups;

Or. en

Amendment 672

Charlie Weimers, Cristian Terheş, Rob Rooken

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii

Text proposed by the Commission

Amendment

(iii) ***the availability of functionalities creating or reinforcing the risk of solicitation of children, including the following functionalities:***

deleted

— ***enabling users to search for other users and, in particular, for adult users to search for child users;***

— ***enabling users to establish contact with other users directly, in particular through private communications;***

— ***enabling users to share images or videos with other users, in particular through private communications.***

Or. en

Justification

The Commission's proposed text would result in ALL messaging services being covered.

Amendment 673

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – introductory part

Text proposed by the Commission

Amendment

(iii) the availability of functionalities creating or reinforcing the risk of **solicitation** of children, including the following functionalities:

(iii) the availability of functionalities creating or reinforcing the **significant, systemic, serious** risk of **rights** of children, including the following functionalities:

Or. en

Amendment 674

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – introductory part

Text proposed by the Commission

Amendment

(iii) the availability of functionalities creating or reinforcing the risk of solicitation of children, including the following functionalities:

(iii) the availability of functionalities creating or reinforcing the **serious systemic** risk of solicitation of children, including the following functionalities:

Or. en

Amendment 675

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 1

Text proposed by the Commission

Amendment

– enabling users to search for other users and, in particular, for adult users to search for child users;

– enabling users to search for other users, **including through search engines external to the service**, and, in particular, for adult users to search for child users;

Amendment 676

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 1

Text proposed by the Commission

– enabling users to search for other users and, in particular, for adult users to search for child users;

Amendment

– enabling users to search for other users and, in particular, for adult users to search for child users, ***in particular on services directly targeting children;***

Amendment 677

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 1

Text proposed by the Commission

– enabling users to search for other users ***and, in particular, for adult users to search for child users;***

Amendment

– enabling users to search for other users ***on services directly targeting children;***

Amendment 678

Rob Rooken

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 1

Text proposed by the Commission

– enabling users to search for other users ***and, in particular, for adult users to search for*** child users;

Amendment

– enabling users to search for other users ***on services directly targeting*** child users;

Amendment 679

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 2

Text proposed by the Commission

– enabling users to establish contact with other users ***directly***, in particular ***through private communications***;

Amendment

– enabling users to establish ***unsolicited*** contact with other users ***and for users to engage and connect with children***, in particular ***on services directly targeting children***;

Or. en

Amendment 680

Rob Rooken

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 2

Text proposed by the Commission

– enabling users to establish contact with other users directly, in particular through private communications;

Amendment

– enabling users to establish contact with other users ***on services*** directly ***targeting child users***, in particular through private communications;

Or. en

Amendment 681

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 2

Text proposed by the Commission

– enabling users to ***establish*** contact with other users directly, in particular through private communications;

Amendment

– enabling users to ***initiate unsolicited*** contact with other users directly, in particular through private communications;

Or. en

Amendment 682

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 2

Text proposed by the Commission

- enabling users to establish contact with other users directly, ***in particular through private communications;***

Amendment

- enabling users to establish ***unsolicited*** contact with other users directly ***on services directly targeting children,***

Or. en

Amendment 683

Rob Rooker

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 3

Text proposed by the Commission

- enabling users to share images or videos ***with other*** users, in particular through private communications.

Amendment

- enabling users to share images or videos ***on services directly targeting child*** users, in particular through private communications.

Or. en

Amendment 684

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 3

Text proposed by the Commission

- enabling users to share images or videos with other users, in particular through private communications.

Amendment

- enabling users to share ***unsolicited*** images or videos with other users, in particular through private communications.

Or. en

Amendment 685

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 3

Text proposed by the Commission

Amendment

– enabling users to share images or videos with other users, ***in particular through private communications.***

– enabling users to share images or videos with other users ***on services directly targeting children***

Or. en

Amendment 686

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 3

Text proposed by the Commission

Amendment

– enabling users to share images or videos ***with other users***, in particular ***through private communications.***

– enabling users to share images or videos, in particular ***on services directly targeting children;***

Or. en

Amendment 687

Annalisa Tardino

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 3

Text proposed by the Commission

Amendment

– enabling users to share ***images or videos*** with other users, in particular through private communications.

– enabling users to share ***contents*** with other users, in particular through private communications.

Or. en

Amendment 688

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 3 a (new)

Text proposed by the Commission

Amendment

- – ***Enabling users to create usernames that contain a representation about, or imply, the user's age;***
- ***Enabling child users to create usernames that contain location information on child users;***
- ***Enabling users to know or infer the location of child users.***

Amendment 689

Annalisa Tardino

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii – indent 3 a (new)

Text proposed by the Commission

Amendment

- ***The availability for users to search and contact other users based on age or location criteria;***

Or. en

Amendment 690

Annalisa Tardino

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii a (new)

Text proposed by the Commission

Amendment

- (iiia) The availability for users to create usernames that imply the user's age or location.***

Or. en

Amendment 691

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

Proposal for a regulation

Article 3 – paragraph 2 – point e – point iii a (new)

Text proposed by the Commission

Amendment

- (iiia) the extent to which children have access to age-restricted content.***

Or. en

Amendment 692

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Risk assessment obligations shall never

entail a general monitoring obligation, an obligation to seek knowledge about the content of private communications, nor an obligation for providers to seek knowledge of illegal content.

Or. en

Amendment 693

Hilde Vautmans, Abir Al-Sahlani, Maite Pagazaurtundúa, Olivier Chastel, Fabienne Keller, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. When providers of hosting services and providers of interpersonal communication services put forward age assurance or age verification systems as mitigating measures, they shall meet the following criteria:

(a) Protect the privacy of users and do not disclose data gathered for the purposes of age assurance for any other purpose;

(b) Do not collect data that is not necessary for the purposes of age assurance;

(c) Be proportionate to the risks associated to the product or service that presents a risk of misuse for child sexual abuse;

(d) Provide appropriate remedies and redress mechanisms for users whose age is wrongly identified.

Or. en

Justification

This AM suggests a wording that makes age verification a safety-by-design tool that has to be carried out by the providers themselves, so as to increase prevention.

Amendment 694

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Hélène Fritzon, Estrella Durá Ferrandis, Evin Incir, Paul Tang, Carina Ohlsson, Caterina Chinnici,

Cyrus Engerer
Proposal for a regulation
Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. When providers of hosting services and providers of interpersonal communication services put forward age assurance or age verification system as a mitigation measure, they shall meet the following criteria:

a) Protect the privacy of users and do not disclose data gathered for the purposes of age assurance for any other purpose;

b) Do not collect data that is not necessary for the purpose of age assurance;

c) Be proportionate to the risks associated to the product or service that presents a risk of misuse for child sexual abuse;

d) Provide appropriate remedies and redress mechanisms for users whose age is wrongly identified.

Or. en

Amendment 695

Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Karen Melchior

Proposal for a regulation
Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The provider, where applicable, shall assess, in a separate section of its risk assessment, the voluntary use of specific technologies for the processing of personal and other data to the extent strictly necessary to detect, to report and to remove online child sexual abuse material from its services. Such voluntary use of specific technologies shall under no circumstances undermine the integrity and confidentiality of end-to-end

encrypted content and communications.

Or. en

Justification

As proposed by the rapporteur, with the addition that the above mentioned voluntary use of specific technologies under no circumstances shall undermine the integrity and confidentiality of end-to-end encrypted content and communications.

Amendment 696

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The provider may request the EU Centre to ***perform an analysis of representative, anonymized data samples to identify potential online child sexual abuse***, to support the risk assessment.

The provider may request the EU Centre to support the risk assessment.

Or. en

Amendment 697

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The provider may request the EU Centre to perform an analysis of ***representative, anonymized data samples to identify potential online child sexual abuse***, to support the risk assessment.

The provider may request the EU Centre to perform an analysis of ***methodology for risk assessment in order*** to support the risk assessment.

Or. en

Justification

None of the requirements listed in paragraph 2 would require data samples to be examined. Better support the providers with an analysis of their methodology used for the risk assessments, to improve the results and support SME

Amendment 698

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Neither this request nor its subsequent analysis that the EU Centre may perform shall exempt the provider from its obligation to conduct the risk assessment in accordance with paragraphs 1 and 2 of this Article and to comply with other obligations set out in this Regulation.

Or. en

Amendment 699

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The costs incurred by the EU Centre for the ***performance of such an analysis*** shall be borne by the requesting provider. However, the EU Centre shall bear those costs where the provider is a micro, small or medium-sized enterprise, ***provided the request is reasonably necessary to support the risk assessment.***

The costs incurred by the EU Centre for the ***support of the risk assessment*** shall be borne by the requesting provider. However, the EU Centre shall bear those costs where the provider is a micro, small or medium-sized enterprise.

Or. en

Amendment 700

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The costs incurred by the EU Centre for the performance of such an analysis shall be borne by the requesting provider. However, the EU Centre shall bear those costs where the provider is a micro, small or medium-sized enterprise, ***provided*** the request ***is*** reasonably necessary to support the risk assessment.

The costs incurred by the EU Centre for the performance of such an analysis shall be borne by the requesting provider. However, the EU Centre shall bear those costs where the provider is a micro, small or medium-sized enterprise. ***The Centre may reject*** the request ***where it is not*** reasonably necessary to support the risk

assessment.

Or. en

Amendment 701
Maria Grapini
Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

Comisia este împuternicită să adopte acte delegate în conformitate cu articolul 86 pentru a completa prezentul regulament cu normele detaliate necesare privind stabilirea și facturarea acestor costuri și privind aplicarea scutirii de care beneficiază microîntreprinderile și întreprinderile mici și mijlocii.

eliminat

Or. ro

Amendment 702
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 3 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to supplement this Regulation with the necessary detailed rules on the determination and charging of those costs and the application of the exemption for micro, small and medium-sized enterprises.

deleted

Or. en

Amendment 703
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Risk assessment obligations shall

always be strictly necessary and proportionate, and shall never entail a general monitoring obligation, an obligation to seek knowledge about the content of private communications, nor an obligation for providers to seek knowledge of illegal content.

Or. en

Amendment 704
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 3 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The provider shall carry out the first risk assessment by [Date of application of this Regulation + 3 months] or, where the provider did not offer the service in the Union by [Date of application of this Regulation], by **three** months from the date at which the provider started offering the service in the Union.

Amendment

The provider shall carry out the first risk assessment by [Date of application of this Regulation + 6 months] or, where the provider did not offer the service in the Union by [Date of application of this Regulation], by **six** months from the date at which the provider started offering the service in the Union.

Or. en

Amendment 705
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 3 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Subsequently, the provider shall update the risk assessment where necessary and at least once every three years from the date at which it last carried out or updated the risk assessment. However:

(a) for a service which is subject to a detection order issued in accordance with Article 7, the provider shall update the risk assessment at the latest two months before the expiry of the period of application of the detection order;

(b) the Coordinating Authority of establishment may require the provider to

Amendment

deleted

update the risk assessment at a reasonable earlier date than the date referred to in the second subparagraph, where there is evidence indicating a possible substantial change in the risk that the service is used for the purpose of online child sexual abuse.

Or. en

Amendment 706

Maria Grapini

Proposal for a regulation

Article 3 – paragraph 4 – subparagraph 2 – introductory part

Text proposed by the Commission

Ulterior, furnizorul actualizează evaluarea riscurilor în cazul în care acest lucru este necesar și cel puțin o dată la *trei ani* de la data la care a efectuat sau a actualizat ultima oară evaluarea riscurilor. Cu toate acestea:

Amendment

Ulterior, furnizorul actualizează evaluarea riscurilor în cazul în care acest lucru este necesar și cel puțin o dată la *un an* de la data la care a efectuat sau a actualizat ultima oară evaluarea riscurilor. Cu toate acestea:

Or. ro

Amendment 707

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 3 – paragraph 4 – subparagraph 2 – introductory part

Text proposed by the Commission

Subsequently, the provider shall update the risk assessment where necessary and at least once every three years from the date at which it last carried out or updated the risk assessment. *However:*

Amendment

Subsequently, the provider shall update the risk assessment where necessary and at least once every three years from the date at which it last carried out or updated the risk assessment

Or. en

Amendment 708

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 3 – paragraph 4 – subparagraph 2 – point a

Text proposed by the Commission

(a) for a service which is subject to a

Amendment

deleted

detection order issued in accordance with Article 7, the provider shall update the risk assessment at the latest two months before the expiry of the period of application of the detection order;

Or. en

Amendment 709

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 4 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) for a service which is subject to a detection order issued in accordance with Article 7, the provider shall update the risk assessment at the latest two months ***before*** the expiry of the period of application of the detection order;

(a) for a service which is subject to a detection order issued in accordance with Article 7, the provider shall update the risk assessment at the latest two months ***after*** the expiry of the period of application of the detection order;

Or. en

Justification

Only after having implemented the detection order will the provider know the actual state of its risk.

Amendment 710

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 4 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) the Coordinating Authority of establishment may require the provider to update the risk assessment at a reasonable earlier date than the date referred to in the second subparagraph, where there is evidence indicating a possible substantial change in the risk that the service is used for the purpose of online child sexual abuse.

deleted

Or. en

Amendment 711

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 3 – paragraph 4 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) the Coordinating Authority of establishment may require the provider to update the risk assessment at a reasonable earlier date than the date referred to in the second subparagraph, where there is evidence indicating a possible substantial change in the risk that the service is used for the purpose of online child sexual abuse. *deleted*

Or. en

Amendment 712

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 5

Text proposed by the Commission

Amendment

5. The risk assessment shall include an assessment of any potential remaining risk that, after taking the mitigation measures pursuant to Article 4, the service is used for the purpose of online child sexual abuse. *deleted*

Or. en

Amendment 713

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 3 – paragraph 5

Text proposed by the Commission

Amendment

5. The risk assessment shall include an assessment of any potential remaining risk that, after taking the mitigation *deleted*

measures pursuant to Article 4, the service is used for the purpose of online child sexual abuse.

Or. en

Amendment 714
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

Amendment

5. *The risk assessment shall include an assessment of any potential remaining risk that, after taking the mitigation measures pursuant to Article 4, the service is used for the purpose of online child sexual abuse.* *deleted*

Or. en

Amendment 715
Rob Rooken
Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

Amendment

5. *The risk assessment shall include an assessment of any potential remaining risk that, after taking the mitigation measures pursuant to Article 4, the service is used for the purpose of online child sexual abuse.* *deleted*

Or. en

Amendment 716
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

Amendment

5. The risk assessment shall include an assessment of any *potential* remaining risk that, after taking the mitigation

5. The risk assessment shall include an assessment of any *reasonably foreseeable* remaining *systemic and*

measures pursuant to Article 4, the service is used for the purpose of online child sexual abuse.

serious risk that, after taking the mitigation measures pursuant to Article 4, the service is used for the purpose of online child sexual abuse.

Or. en

Amendment 717
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 3 – paragraph 6

Text proposed by the Commission

6. The **Commission**, in cooperation with Coordinating Authorities **and the EU Centre** and after having conducted a public consultation, may issue guidelines on **the application of paragraphs 1 to 5, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.**

Amendment

6. The **EU Centre** in cooperation with **European Data Protection Board, the** Coordinating Authorities and after having conducted a public consultation, may issue guidelines on **carrying out the risk assessment.**

Or. en

Amendment 718
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 3 – paragraph 6

Text proposed by the Commission

6. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 5, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Amendment

6. The Commission, in cooperation with Coordinating Authorities, **the European Data Protection Board, the Fundamental Rights Agency** and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 5, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Or. en

Amendment 719
Patrick Breyer

on behalf of the Verts/ALE Group
Proposal for a regulation
Article 3 – paragraph 6

Text proposed by the Commission

6. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 5, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Amendment

6. The Commission, in cooperation with Coordinating Authorities, and the EU Centre, ***after having consulted the European Data Protection Board*** and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 5, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used..

Or. en

Amendment 720

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 3 – paragraph 6

Text proposed by the Commission

6. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 5, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Amendment

6. The Commission, in cooperation with Coordinating Authorities, ***European Data Protection Board, Fundamental Rights Agency*** and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 5, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Or. en

Amendment 721

Rob Rooken

Proposal for a regulation

Article 3 – paragraph 6

Text proposed by the Commission

6. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 5, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Amendment

6. The Commission, in cooperation with Coordinating Authorities, ***the European Data Protection Board*** and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 to 5, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Or. en

Amendment 722

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

End-to-end encryption

1. End-to-end encryption is an important tool to guarantee the security, integrity and confidentiality of communications of users, including those of children.

Nothing in this Regulation shall be interpreted as prohibiting providers of relevant information society services from applying end-to-end encryption in their services, or restricting or undermining such end-to-end encryption. Member States shall not impose any obligations on providers of relevant information society services that would result in preventing them from providing end-to-end encrypted services nor shall it permit the use of Client Side Scanning or similar techniques or any other software deployed on users' terminal equipment for the purposes of detecting and reporting

online child sexual abuse.

1a. Member States shall not impose any obligation on encryption providers, on providers of relevant information society services or on any other organisations with regard to any level of the supply chain that would result in the weakening of the security of their networks and services, such as bypassing authentication and accessing encrypted data or creating deliberate weaknesses by providers to allow for access to encrypted data.

2. Nothing in this Regulation shall be understood as undermining the prohibition of general monitoring under EU law.

Or. en

Amendment 723

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 4 – title

Text proposed by the Commission

Amendment

Risk mitigation

Risk mitigation *and safety by design*

Or. en

Amendment 724

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 4 – title

Text proposed by the Commission

Amendment

4 Risk mitigation

4 *Safety-by-design and risk mitigation*

Or. en

Amendment 725

Patrick Breyer

on behalf of the Verts/ALE Group
Proposal for a regulation
Article 4 – title

Text proposed by the Commission

Amendment

Risk mitigation

Specific measures

Or. en

Amendment 726
Paul Tang, Alex Agius Saliba, Theresa Bielowski
Proposal for a regulation
Article 4 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Providers of hosting services and providers of interpersonal communications services shall have mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be online child sexual abuse. This obligation shall not be interpreted as an obligation of general monitoring or generalised data retention.

Such mechanisms shall be easy to access, child-friendly, and shall allow for the submission of notices by electronic means.

[By 6 months after entry into force] the Commission shall adopt a delegated act laying down design requirements for a uniform identifiable notification mechanism as referred to in this Article, including on the design of a uniform, easily recognisable, icon in the user interface.

Providers of hosting services and providers of interpersonal communications services targeting children may implement the design requirements specified in the delegated act referred to in this paragraph.

Justification

User reporting is of utmost importance in the fight against online child sexual abuse. By having uniform recognisable reporting mechanism in place across all hosting and interpersonal communication services, we empower both vulnerable users as users who would otherwise ignore the content, to take immediate action. This increases the safety for all users. For hosting and interpersonal communication services directly targeting children, implementation of the design requirements should be obligatory.

Amendment 727

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall take reasonable mitigation measures, tailored to the **risk** identified pursuant to Article 3, to minimise that risk. Such measures **shall** include some or all of the following:

Amendment

1. Providers of hosting services and providers of **number independent** interpersonal communications **services shall** take reasonable mitigation measures, tailored to the **systemic risks** identified pursuant to Article 3, to minimise that **risk. Such** measures, **where applicable and technically feasible without being detrimental to the technical integrity or operating model of the platform or service, and without being detrimental to the confidentiality of the communications on that service, may** include some or all of the following:

Or. en

Amendment 728

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall take reasonable mitigation

Amendment

1. Providers of hosting services and providers of **number-independent** interpersonal communications services

measures, tailored to the risk identified pursuant to Article 3, to minimise that risk. Such measures shall include some or all of the following:

shall take reasonable mitigation measures, tailored to the **significant, systemic, serious** risk identified pursuant to Article 3, to minimise that risk. Such **targeted** measures shall include some or all of the following, **where applicable and technically feasible without being detrimental to the technical integrity or operating model of the provider, nor the security, integrity and confidentiality of communications**:

Or. en

Amendment 729

Rob Rooker

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall take reasonable mitigation measures, tailored to the **risk** identified pursuant to Article 3, to minimise **that risk**. Such measures shall include some or all of the following:

Amendment

1. Providers of hosting services and providers of **number independent** interpersonal communications services shall take reasonable mitigation measures, tailored to the **systemic risks** identified pursuant to Article 3, to minimise **such risks**. Such measures, **where applicable and technically feasible without being detrimental to the technical integrity or operating model of the platform or service, and without being detrimental to the confidentiality of the communications on that service**, shall include some or all of the following:

Or. en

Justification

Focus on “systemic” risks. In order for the text to remain future proof, the measures detailed should be recommended rather than imposed on providers.

Amendment 730

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall take ***reasonable mitigation*** measures, tailored to the risk identified pursuant to Article 3, ***to minimise that risk***. Such measures shall include some or all of the following:

1. Providers of hosting services and providers of ***publicly available number-independent*** interpersonal communications services ***that are exposed to substantial amount of child sexual abuse material*** shall take ***proportionate and effective specific*** measures, tailored to the ***serious systemic*** risk identified pursuant to Article 3. ***The decision as to the choice of specific measures shall remain with the hosting service provider.*** Such measures shall include some or all of the following:

Or. en

Justification

Choice of measures from Terrorist Content Online Regulation, Article 5(2)

Amendment 731

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall ***take*** reasonable mitigation measures, tailored to ***the*** risk identified pursuant to Article 3, ***to minimise*** that risk. Such measures shall include some or all of the following:

1. Providers of hosting services and providers of interpersonal communications services shall ***put in place*** reasonable, ***proportionate and targeted*** mitigation measures, tailored to ***their services and the serious systemic*** risk identified pursuant to Article 3, ***with the aim of mitigating*** that risk. Such measures ***shall never entail a general monitoring obligation or generalised data retention obligation and*** shall include some or all of the following:

Or. en

Amendment 732

Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall take reasonable mitigation measures, tailored to the risk identified pursuant to Article 3, to minimise that risk. Such measures shall include some or all of the following:

1. Providers of hosting services and providers of interpersonal communications services shall take reasonable mitigation measures, ***taking into account the right to private life and personal data protection***, tailored to the risk identified pursuant to Article 3, to minimise that risk. Such measures shall include some or all of the following:

Or. en

Amendment 733

Lucia Ďuriš Nicholsonová, Fabienne Keller
Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall take reasonable mitigation measures, tailored to the risk identified pursuant to Article 3, to minimise that risk. Such measures shall include some or all of the following:

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall take reasonable ***and proportionate*** mitigation measures, tailored to the risk identified pursuant to Article 3 ***and their service***, to minimise that risk. Such measures shall include some or all of the following:

Or. en

Amendment 734

Hilde Vautmans, Abir Al-Sahlani, Maite Pagazaurtundúa, Olivier Chastel, Fabienne Keller, Lucia Ďuriš Nicholsonová
Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall take reasonable mitigation measures, tailored to the risk identified pursuant to Article 3, to minimise that risk. Such measures shall include some or all of the following:

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall take reasonable mitigation measures, tailored to ***their specific service and*** the risk identified pursuant to Article 3, to minimise that risk. Such measures shall include some or all of the following:

Or. en

Amendment 735

Lucia Ďuriš Nicholsonová, Fabienne Keller
Proposal for a regulation
Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision-making processes, the operation or functionalities of the service, or the content or enforcement of its terms and conditions;

Amendment

(a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, ***including the monitoring tools of phrases and indicators on public surfaces***, its decision-making processes, the operation or functionalities of the service, or the content or enforcement of its terms and conditions, ***reporting tools that are effective, easily accessible and age appropriate, or the protocols for investigating the reported content and taking appropriate action***;

Or. en

Amendment 736
Paul Tang, Alex Agius Saliba, Theresa Bielowski
Proposal for a regulation
Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision-making processes, the operation or functionalities of the service, or the content or enforcement of its terms and conditions;

Amendment

(a) ***testing and*** adapting, through ***state of the art*** appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision-making processes, the operation or functionalities of the service, or the content or enforcement of its terms and conditions, ***including the speed and quality of processing notices and reports related to online child sexual abuse and, where appropriate, the expeditious removal of the content notified***;

Or. en

Amendment 737
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision-making processes, ***the operation or functionalities of the service, or the content*** or enforcement of its terms and conditions;

Amendment

(a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision-making processes or enforcement of its terms and conditions;

Or. en

Amendment 738

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision-making processes, the operation or functionalities of the service, ***or the content or enforcement of its terms and conditions***;

Amendment

(a) adapting, through appropriate technical and operational measures and staffing, the provider's content moderation or recommender systems, its decision-making processes, the operation or functionalities of the service, ***in order to expeditiously remove or disable access to child sexual abuse material***;

Or. en

Amendment 739

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) adapting the design, features and functions of their services in order to ensure a high level of privacy, data protection, safety, and security by design and by default, including some or all of the following:

(a) limiting users, by default, to establish direct contact with other users, in particular through private

communications;

(b) limiting users, by default, to directly share images or videos on services;

(c) limiting users, by default, to directly share personal contact details with other users, such as phone numbers, home addresses and e-mail addresses, via rules-based matching;

(d) limiting users, by default, to create screenshots or recordings within the service;

(e) limiting users, by default, to directly reforward images and videos to other users where no consent has been given;

(f) allowing parents of a child or a legal representative of a child to make use of meaningful parental controls tools, which protect the confidentiality of communications of the child;

(g) encouraging children, prior to registering for the service, to talk to their parents about how the service works and what parental controls tools are available.

Services taking the measures outlined in this point may allow users to revert such measures on an individual level.

Or. en

Amendment 740

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) adapting the design, features and functions of their service in order to ensure the highest level of privacy, safety and security by design and by default, in particular, to protect children;

Or. en

Amendment 741

Hilde Vautmans, Olivier Chastel, Fabienne Keller, Maite Pagazaurtundúa, Abir Al-

Sahlani, Lucia Ďuriš Nicholsonová
Proposal for a regulation
Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) Designing educational and awareness-raising campaigns aimed at informing and alerting users about the risks of online child sexual abuse, including child-appropriate information;

Or. en

Amendment 742

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Hélène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer
Proposal for a regulation
Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) Designing educational and awareness-raising campaigns aimed at informing and alerting users about the risks of online child sexual abuse, including child-appropriate information;

Or. en

Amendment 743

Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) providing easily accessible and user-friendly mechanisms for users to report or flag to the provider alleged online child sexual abuse;

Or. en

Justification

From Terrorist Content Online Regulation, Art. 5(2)(b)

Amendment 744

Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) providing security by design, as a way to ensuring services that are safe and secure, especially for children;

Or. en

Amendment 745

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) providing technical measures and tools that allow users to manage their own privacy, visibility, reachability and safety, and that are set to the most private and secure levels by default;

Or. en

Justification

EDPS-EDPB opinion para 118

Amendment 746

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 4 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) emptying appropriate age measurments - such as parental control tools, to prevent underage access and exposure to inappropriate content or services;

Or. en

Amendment 747

Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari
Proposal for a regulation
Article 4 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) providing several reporting functions within their services, so that users of the services can report and flag content and material;

Or. en

Amendment 748
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 4 – paragraph 1 – point a c (new)

Text proposed by the Commission

Amendment

(ac) ask for user confirmation before allowing an unknown user to communicate and before displaying their communications;

Or. en

Amendment 749
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 4 – paragraph 1 – point a d (new)

Text proposed by the Commission

Amendment

(ad) optionally or by default ask for user confirmation and offer guidance before displaying or sharing certain content such as nudity where the provider ensures that no indication of the process and the content leaves the user's device and the user is reassured of this;

Or. en

Amendment 750
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 4 – paragraph 1 – point a e (new)

Text proposed by the Commission

Amendment

(ae) providing tools in a prominent way on their platform that allow users to seek help from their local help-line;

Or. en

Amendment 751
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 4 – paragraph 1 – point a f (new)

Text proposed by the Commission

Amendment

(af) informing and reminding users and non-users, such as parents, at point of need on what constitutes online child sexual abuse and what is typical offender behaviour; offering advice on safe behaviour and the consequences of illegal behaviour in a visible, easy to find and easy to understand way;

Or. en

Amendment 752
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 4 – paragraph 1 – point a g (new)

Text proposed by the Commission

Amendment

(ag) informing users and non-users about external resources and services in the user's region on preventing child sexual abuse, counselling by helplines, victim support and educational resources by hotlines and child protection organisation;

Or. en

Amendment 753

Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 4 – paragraph 1 – point a h (new)

Text proposed by the Commission

Amendment

(ah) human moderation of publicly accessible chats, based on random checks, and human moderation of publicly accessible, specific channels at high risk of online child sexual abuse;

Or. en

Amendment 754
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 4 – paragraph 1 – point a i (new)

Text proposed by the Commission

Amendment

(ai) providing readily accessible mechanisms for users to block or mute other users;

Or. en

Amendment 755
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 4 – paragraph 1 – point a j (new)

Text proposed by the Commission

Amendment

(aj) displaying warnings and advice to users at risk of offending or victimisation where the provider ensures that no indication of the process and the content leaves the user's device and the user is reassured of this;

Or. en

Amendment 756
Patrick Breyer
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 4 – paragraph 1 – point a k (new)

Text proposed by the Commission

Amendment

(ak) informing parents on the nature of the service and the functionalities offered as well as on how to report or flag to the provider alleged online child sexual abuse;

Or. en

Amendment 757
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 4 – paragraph 1 – point a l (new)

Text proposed by the Commission

Amendment

(al) any other mechanisms to increase the awareness of online child sexual abuse on its services;

Or. en

Amendment 758
Lucia Ďuriš Nicholsonová, Fabienne Keller
Proposal for a regulation
Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) reinforcing the provider's internal processes or the internal supervision of the functioning of the service;

(b) reinforcing the provider's internal processes or the internal supervision of the functioning of the service, *user testing and feedback collection*;

Or. en

Amendment 759
Lucia Ďuriš Nicholsonová, Fabienne Keller
Proposal for a regulation
Article 4 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Implementing and constantly

innovating functionalities and protocols to prevent and reduce the risk of online child sexual abuse, and regularly assessing their effectiveness in light of the latest technological developments and trends in the dissemination and monetization of child sexual abuse material;

Or. en

Amendment 760
Lucia Ďuriš Nicholsonová
Proposal for a regulation
Article 4 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the use of specific technologies on a voluntary basis for the sole purpose of preventing and detecting online child sexual abuse in accordance with Article 4a

Or. en

Amendment 761
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] .

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of **number-independent** interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and

amending Directive 2000/31/EC] .

Or. en

Amendment 762

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] .

Amendment

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of hosting services or providers of **number-independent** interpersonal communication services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] .

Or. en

Amendment 763

Paul Tang, Alex Agius Saliba, Birgit Sippel, Theresa Bielowski

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of **hosting services or providers of interpersonal communication** services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] .

Amendment

(c) initiating or adjusting cooperation, in accordance with competition law, with other providers of **relevant information society** services, public authorities, civil society organisations or, where applicable, entities awarded the status of trusted flaggers in accordance with Article 19 of Regulation (EU) .../... [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] .

Or. en

Amendment 764

Alessandra Mussolini
Proposal for a regulation
Article 4 – paragraph 1 – point c – point 1 (new)

Text proposed by the Commission

Amendment

1) Introdurre un'icona visibile e di facile individuazione che permetta una segnalazione immediata ed efficace del contenuto ritenuto inappropriato ai sensi dell'articolo 1 del presente regolamento.

Or. it

Amendment 765
Annalisa Tardino
Proposal for a regulation
Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) Setting up specific prevention measures to highlight risks related to the use of their service. Such communication shall be targeted to both minor users through child friendly means and parents.

Or. en

Amendment 766
Vincenzo Sofo, Jadwiga Wiśniewska
Proposal for a regulation
Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) enabling users to flag or notify online child sexual abuse to the provider through tools that are easily accessible and age-appropriate, including already anonymous reporting channels;

Or. en

Amendment 767
Paul Tang, Alex Agius Saliba, Birgit Sippel, Theresa Bielowski
Proposal for a regulation
Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) reinforcing awareness-raising measures and adapting their online interface for increased user information, including child-appropriate information targeted to the risk identified;

Or. en

Amendment 768

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) adapting the design, features and functions of their services in order to ensure a high level of privacy, safety, and security and data protection by design and by default

Or. en

Amendment 769

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Hélène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) processing metadata, in accordance with Article 4a

Or. en

Amendment 770

Annalisa Tardino

Proposal for a regulation

Article 4 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) setting up specific reporting mechanism, child friendly and easily accessible. Such tools should be visible and easily accessible by the user from the direct communication webpage.

Or. en

Amendment 771

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 4 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) enabling safe self-reporting capabilities for children, their parents or legal guardians.

Or. en

Amendment 772

Paul Tang, Alex Agius Saliba, Birgit Sippel, Theresa Bielowski

Proposal for a regulation

Article 4 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) including clearly visible and identifiable information on the minimum age for using the service;

Or. en

Amendment 773

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 4 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) initiating targeted measures to protect the rights of the child and tools aimed at helping users to indicate child sexual abuse material and helping children to signal abuse or obtain support;

Amendment 774
Annalisa Tardino
Proposal for a regulation
Article 4 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) *Setting up mechanisms to raise awareness among adult users to warn about potential violations of this Regulation.*

Amendment 775
Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Lucia Ďuriš Nicholsonová
Proposal for a regulation
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *Providers of hosting services and providers of interpersonal communications services shall continue the voluntary use of specific technologies, as mitigation measures, for the processing of personal and other data to the extent strictly necessary to detect, report and remove online child sexual abuse on their services and to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, including for the purpose of the solicitation of children, pursuant to the risk assessment conducted or updated in accordance with Article 3 and prior authorization from the Coordinating Authority;*

Amendment 776
Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Hélène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer
Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Providers of hosting services and providers of interpersonal communications services shall continue the voluntary use of specific technologies, as mitigation measures, for the processing of personal and other data to the extent strictly necessary to detect, report and remove online sexual abuse on their services and to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, including for the purpose of the solicitation of children, pursuant to the risk assessment conducted or updated in accordance with Article 3 and prior authorization from the Coordinating Authority;

Or. en

Amendment 777

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Providers of hosting services and providers of interpersonal communications services directly targeting children shall implement the design requirements as specified in the delegated act referred to in paragraph -1 and shall take all mitigation measures as outlined in paragraph 1, point (aa), of this Article to minimise this risk.

Such services shall allow users to revert mitigation measures on an individual level.

Or. en

Amendment 778

Rob Rooken

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Risk mitigation obligations shall always be strictly necessary and proportionate, and shall never entail a general monitoring obligation, an obligation to seek knowledge about the content of private communications, contrary to Article 5 of the ePrivacy Directive, nor an obligation for providers to seek knowledge of illegal content.

Or. en

Amendment 779

Hilde Vautmans, Olivier Chastel, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 4 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The Coordinating Authority shall decide whether to proceed according to paragraph 1a no later than three months from the provider's request.

Or. en

Amendment 780

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Hélène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Article 4 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The Coordinating Authority shall decide whether to proceed according to paragraph 1a no later than three months from the provider's request.

Or. en

Amendment 781

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The **mitigation** measures shall **be**:

2. The **specific** measures shall **meet all of the following requirements**:

Or. en

Amendment 782
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) effective in mitigating the identified risk;

(a) **they shall be effective and proportionate** in mitigating the identified **serious** risk;

Or. en

Amendment 783
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) effective in mitigating the identified risk;

(a) effective in mitigating the identified **significant, systemic, and serious** risk;

Or. en

Amendment 784
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) effective in mitigating the identified risk;

(a) effective in mitigating the identified **serious systemic** risk;

Amendment 785

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 4 – paragraph 2 – point b

Text proposed by the Commission

(b) targeted and proportionate in relation to that risk, taking into account, in particular, the seriousness of the risk as well as the provider's financial and technological capabilities and the number of users;

Amendment

(b) targeted and proportionate in relation to that risk, taking into account, in particular, the seriousness of the risk, ***ensuring that the interference with the fundamental right to privacy and the other rights laid down in the Charter is limited to what is strictly necessary*** as well as the provider's financial and technological capabilities and the number of users

Or. en

Amendment 786

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 4 – paragraph 2 – point b

Text proposed by the Commission

(b) targeted and proportionate in relation to that risk, ***taking into account, in particular, the seriousness of the risk as well as the provider's financial and technological capabilities and the number of users;***

Amendment

(b) targeted and proportionate in relation to that risk

Or. en

Amendment 787

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) targeted and proportionate in relation to that risk, taking into account, in particular, the seriousness of the risk as well as the provider's financial *and technological* capabilities *and* the number of users;

(b) *they shall be* targeted and proportionate in relation to that risk, taking into account, in particular, the seriousness of the risk, *any impact on the functionality of the service* as well as the provider's financial *strength, and technical and operational* capabilities, the number of users, *and the amount of content they provide*;

Or. en

Amendment 788

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 4 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) targeted and proportionate in relation to that risk, taking into account, in particular, the seriousness of the risk as well as the provider's financial and technological *capabilities* and the number of users;

(b) targeted and proportionate in relation to that *serious systemic* risk, taking into account, in particular, the seriousness of the risk as well as the provider's financial and technological *limitations* and the number of users;

Or. en

Amendment 789

Maria Grapini

Proposal for a regulation

Article 4 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) specifice și proporționale în raport cu respectivul risc, ținând seama, în special, de gravitatea riscului, precum și de capacitățile financiare și *tehnologice ale furnizorului și* de numărul de utilizatori;

(b) specifice și proporționale în raport cu respectivul risc, ținând seama, în special, de gravitatea riscului, precum și de capacitățile financiare și de numărul de utilizatori;

Or. ro

Amendment 790

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) applied in a diligent and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;

Amendment

(c) applied in a diligent and non-discriminatory manner, ***with full assessment***, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected ***and in particular of the rights to privacy, data protection and freedom of expression, and for the protection of the integrity and security of platforms and services, including those that are end-to-end encrypted***;

Or. en

Amendment 791

Rob Rooken

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) applied in a diligent and non-discriminatory manner, ***having due regard***, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;

Amendment

(c) applied in a diligent and non-discriminatory manner, ***with full assessment***, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected ***and in particular, that they respect rights to privacy, data protection and freedom of expression and protect the integrity and security of platforms and services, including those that are end-to-end encrypted***;

Or. en

Amendment 792

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) applied in a diligent and non-discriminatory manner, having due regard,

Amendment

(c) applied in a diligent and non-discriminatory manner, having due regard,

in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;

in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected, *in particular the rights to privacy, protection of data and freedom of expression.*

Or. en

Amendment 793

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) applied in a diligent and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;

Amendment

(c) applied in a diligent and non-discriminatory manner, having due regard *with full respect*, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected ;

Or. en

Amendment 794

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) applied in a diligent and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;

Amendment

(c) *they shall be* applied in a diligent and non-discriminatory manner, having due regard, in all circumstances, to the potential consequences of the mitigation measures for the exercise of fundamental rights of all parties affected;

Or. en

Amendment 795

Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Article 4 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) done in a way that does not compromise end-to-end encryption;

Or. en

Amendment 796

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 4 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) introduced, reviewed, discontinued or expanded, as appropriate, each time the risk assessment is conducted or updated pursuant to Article 3(4), within **three** months from the date referred to therein.

(d) introduced, reviewed, discontinued or expanded, as appropriate, each time the risk assessment is conducted or updated pursuant to Article 3(4), **as soon as possible and in any case** within **six** months from the date referred to therein.

Or. en

Amendment 797

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) introduced, reviewed, discontinued or expanded, as appropriate, each time the risk assessment is conducted or updated pursuant to Article 3(4), within three months from the date referred to therein.

(d) **they shall be** introduced, reviewed, discontinued or expanded, as appropriate, each time the risk assessment is conducted or updated pursuant to Article 3(4), within three months from the date referred to therein.

Or. en

Amendment 798

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) they shall respect the principles of data protection by design and by default, as well as of data minimisation.

Or. en

Amendment 799
Lucia Ďuriš Nicholsonová
Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If the risk assessment conducted or updated in accordance with Article 3 identifies that there is a risk of use of the service being used to disseminate, store or make available verified child sexual abuse material, reasonable mitigation measures may include voluntary measures to detect and remove such material in accordance with Article 4, (a).

Or. en

Amendment 800
Patrick Breyer
on behalf of the Verts/ALE Group
Rob Rooken, Paul Tang, Karen Melchior, Cristian Terheş
Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the mitigation measures.

deleted

Or. en

Justification

There is no need for interpersonal communications services to verify the user's age because all specific (mitigation) measures can and should be applied to all users. Age verification and the needed to present an ID or a face means a user cannot trust to be anonymous when setting up e-mail or messenger accounts or chatting anonymously, making them identifiable and risking data leaks. This inhibits e.g. anonymous media communications with sources who risk prosecution (e.g. whistleblowers). Also age verification would collect children's personal data and expose them to likely leaks and abuse, including for child grooming. Only last year, personal data of 500 mio. Facebook users was exposed online.

Amendment 801

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the mitigation measures. *deleted*

Or. en

Amendment 802

Charlie Weimers, Cristian Terheş, Rob Rooker

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the mitigation *deleted*

measures.

Or. en

Justification

The Commission's proposed text would lead to age limits for messaging apps. Age verification would make anonymous communication for law-abiding citizens impossible.

Amendment 803

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the mitigation measures.

deleted

Or. en

Amendment 804

Hilde Vautmans, Olivier Chastel, Maite Pagazaurtundúa, Abir Al-Sahlani, Fabienne Keller, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary age verification

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary *and proportionate*

and age assessment measures to reliably **identify** child users on their services, enabling them to take the mitigation measures.

age verification and age assessment measures to reliably **differentiate between** child **users and adult** users on their services, enabling them to take the mitigation measures **and protect child users**.

Age assurance or age verification systems as mitigation measure shall be implemented only if they meet the criteria set in Article 3, paragraph 2a of this Regulation.

Or. en

Amendment 805

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzson, Estrella Durá Ferrandis, Evin Incir, Paul Tang, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary age verification and age assessment measures to reliably **identify** child users on their services, enabling them to take the mitigation measures.

Amendment

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary age verification and age assessment measures to reliably **differentiate between** child **and adult** users on their services, enabling them to take the mitigation measures. ***Age assurances or age verification systems as mitigation measures shall be implemented only if they meet the criteria set in Article 3, paragraph 2a of this Regulation.***

Or. en

Amendment 806

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the mitigation measures.

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the mitigation measures ***and to put in place effective measures to block the access of children to websites that fall under an age-restriction applicable under national law.***

Or. en

Amendment 807

Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take ***the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the*** mitigation measures.

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take ***reasonable and proportionate*** mitigation measures.

Or. en

Amendment 808

Fabienne Keller

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Providers of interpersonal

3. Providers of interpersonal

communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary ***age verification*** and age assessment measures to reliably ***identify*** child users on their services, enabling them to take the mitigation measures.

communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary ***and proportionate age assurance*** and age assessment measures to reliably ***differentiate between*** child ***users and adult*** users on their services, enabling them to take the mitigation measures ***and protect child users***.

Or. en

Amendment 809
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary ***age verification and age assessment*** measures ***to reliably identify child users on their services, enabling them to take the mitigation measures***.

Amendment

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children, shall take the necessary ***safety-by-design*** measures, ***including those mentioned in Article 4 paragraph 1 a***.

Or. en

Amendment 810
Rob Rooken
Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. Providers of interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a risk of use of their services for the purpose of the solicitation of children,

Amendment

3. Providers of ***number independent*** interpersonal communications services that have identified, pursuant to the risk assessment conducted or updated in accordance with Article 3, a ***systemic*** risk of use of their services for the purpose of

shall take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the mitigation measures.

the solicitation of children, *may take proportionate measures to identify child users on their services or to give the child user the opportunity to consensually identify themselves.*

Or. en

Amendment 811

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Any requirement to take specific measures shall be without prejudice to Article 8 of Regulation (EU) 2022/2065 [on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC] and shall entail neither a general obligation for hosting services providers to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity. Any requirement to take specific measures shall not include an obligation to use ex-ante control measures based on automated tools or upload-filtering of information, to interfere with the secrecy of communications or to restrict the possibility to use a service anonymously.

Or. en

Amendment 812

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Risk mitigation measures shall always be strictly necessary and proportionate, and shall never entail a general monitoring obligation, an obligation to seek knowledge about the

content of private communications, contrary to Article 5 of the ePrivacy Directive, nor an obligation for providers to seek knowledge of illegal content.

Or. en

Amendment 813

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. *Nothing in this regulation shall be construed as prohibiting, restricting, circumventing or undermining the provision or the use of encrypted services.*

Or. en

Amendment 814

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. Providers of hosting services and providers of interpersonal communications services shall clearly describe in their terms and conditions the mitigation measures that they have taken. ***That description shall not include information that may reduce the effectiveness of the mitigation measures.***

4. Providers of hosting services and providers of interpersonal communications services shall clearly describe in their terms and conditions the mitigation measures that they have taken.

Or. en

Amendment 815

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. Providers of hosting services and

4. ***Where appropriate,*** providers of

providers of interpersonal communications services shall clearly describe in their terms **and conditions** the mitigation measures that they have taken. That description shall not include information that **may** reduce the effectiveness of the mitigation measures.

hosting services and providers of **number-independent** interpersonal communications services shall clearly describe in their terms **of service** the mitigation measures that they have taken. That description shall not include information that **is likely to** reduce the effectiveness of the mitigation measures.

Or. en

Amendment 816

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 4 – paragraph 4

Text proposed by the Commission

4. Providers of hosting services and providers of interpersonal communications services shall clearly describe in their terms and conditions the mitigation measures that they have taken. That description shall not include information that may reduce the effectiveness of the mitigation measures.

Amendment

4. Providers of hosting services and providers of **number-independent** interpersonal communications services shall clearly describe in their terms and conditions the mitigation measures that they have taken. That description shall not include information that may reduce the effectiveness of the mitigation measures.

Or. en

Amendment 817

Rob Rooken

Proposal for a regulation

Article 4 – paragraph 4

Text proposed by the Commission

4. Providers of hosting services and providers of interpersonal communications services shall clearly describe in their terms and conditions the mitigation measures that they have taken. That description shall not include information that may reduce the effectiveness of the mitigation measures.

Amendment

4. Providers of hosting services and providers of **number independent** interpersonal communications services shall clearly describe in their terms and conditions the mitigation measures that they have taken. That description shall not include information that may reduce the effectiveness of the mitigation measures.

Amendment 818

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

5. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2, 3 and 4, having due regard in particular to relevant technological developments and in the manners in which the services covered by those provisions are offered and used.

Amendment

5. The Commission, in cooperation with Coordinating Authorities, **European Data Protection Board, Fundamental Rights Agency** and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2, 3 and 4, having due regard in particular to relevant technological developments and in the manners in which the services covered by those provisions are offered and used.

The European Data Protection Board shall also issue guidelines regarding the compliance with the General Data Protection Regulation of existing and future technologies that are used for the detection of child sexual abuse material in encrypted and non-encrypted environments. Data Protection authorities shall be in charge of the supervision of the application of those guidelines. With respect to any specific technology used for the purpose set out in Article 7, a mandatory prior data protection impact assessment as referred to in Article 35 of Regulation (EU) 2016/679 and a mandatory prior consultation procedure as referred to in Article 36 of that Regulation must be conducted. The competent authorities shall assess any technologies in use or that shall be used to detect child sexual abuse material in light of Regulation (EU) 2016/679 and Directive 2002/58/EC.

The European Commission, along with

the European Data Protection Board, Fundamental Rights Agency shall issue guidelines on how providers may implement age verification and age assessment measures with full respect for the Charter of Fundamental Rights and the General Data Protection Regulation.

Or. en

Amendment 819

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

5. The Commission, in cooperation with Coordinating Authorities *and* the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2, 3 and 4, having due regard in particular to relevant technological developments and in the manners in which the services covered by those provisions are offered and used.

Amendment

5. The Commission, in cooperation with Coordinating Authorities, the EU Centre, *the European Data Protection Board and the Fundamental Rights Agency*, and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2, 3 and 4, having due regard in particular to relevant technological developments and in the manners in which the services covered by those provisions are offered and used.

The European Commission, along with the European Data Protection Board and the Fundamental Rights Agency shall issue guidelines on how providers may implement age verification and age assessment measures, in particular based on selective disclosure of attributes, with full respect for the Charter of Fundamental Rights and Regulation (EU) 2016/679.

Or. en

Amendment 820

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. The **Commission**, in cooperation with Coordinating Authorities **and the EU Centre** and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2, 3 and 4, ***having due regard in particular to relevant technological developments and in the manners in which the services covered by those provisions are offered and used.***

5. The **EU Centre** in cooperation with **the** Coordinating Authorities and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2, 3 and 4.

Or. en

Amendment 821

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

5. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, **2, 3 and 4**, having due regard in particular to relevant technological developments and in the manners in which the services covered by those provisions are offered and used.

Amendment

5. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1 **and 2**, having due regard in particular to relevant technological developments and in the manners in which the services covered by those provisions are offered and used.

Or. en

Amendment 822

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The European Data Protection Board (EDPB) shall issue guidelines regarding the compliance with the General Data Protection Regulation of existing and future technologies that are used for the detection of child sexual abuse material in encrypted and non-encrypted environments. Data Protection Authorities shall be in charge of the

supervision of the application of the EDPB guidelines and they shall assess any technologies currently used or that will be used to scan the content of communications with the aim of detecting CSAM or any other type of content in light of the Regulation (EU) 2016/679 (General Data Protection Regulation) and the Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications).

Or. en

Amendment 823
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Prior to the deployment of any specific technology pursuant to this Article, a mandatory prior data protection impact assessment as referred to in Article 35 of Regulation (EU) 2016/679 and a mandatory prior consultation procedure as referred to in Article 36 of that Regulation must be conducted.

Or. en

Amendment 824
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 4 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. Where the mitigating measures by a provider in accordance with Paragraph 1 prove to be ineffective or insufficient, the Coordinating Authority shall have the power to order the provider to comply with this Article, including by ordering

the provider to take specific mitigating measures in accordance with this Article.

Or. en

Amendment 825
Lucia Ďuriš Nicholsonová
Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Additional requirements for voluntary detection and removal of verified child sexual abuse material

1. Providers of hosting services and providers of interpersonal communications services who take measures under Article 4(2) to voluntarily detect and remove child sexual abuse material shall:

a) do so in compliance with Regulation (EU) 2016/679 (General Data Protection Regulation) and applicable national law concerning the processing of personal data relating to criminal offences or alleged criminal offences;

b) ensure that the processing of personal data is limited to what is strictly necessary for the purpose of prevention, detection and reporting of child sexual abuse online and removal of child sexual abuse material and, unless child sexual abuse online has been detected and confirmed as such, is erased immediately;

c) implement internal procedures to ensure that new child sexual abuse material, or solicitation of children, it not reported to relevant authorities without prior human confirmation;

d) consider any such processing of content or traffic data commenced after the date of this Regulation shall be considered high risk to the rights and freedoms of natural persons for the

purposes of Articles 35 and 36 of Regulation (EU) 2016/679 and complete a prior data protection impact assessment and consult with their relevant supervisory authority.

2. The provider has identified evidence of a significant risk of the service being used for the purposes of online child sexual abuse in the risk assessment conducted or updated in accordance with Article 3, and that is likely, despite any mitigation measures that the provider may have taken or will take, that the service is used, to an appreciable extent for the dissemination of child sexual abuse material.

3. The provider has implemented additional and appropriate technological and operational controls, safeguards and measures aimed at detecting online child sexual abuse and usage of technologies in accordance with Article 10 and with regard to the principle of data protection by design and by default laid down in Article 25 of Regulation (EU) 2016/679.

4. The provider shall draft and submit to the Coordinating Authority and the EU Centre an implementation plan setting out the measures it envisages taking to voluntarily detect child sexual abuse material, including detailed information regarding the envisaged technologies and safeguards and where applicable, attaching the opinion of the competent data protection authority and specifying how the implementation plan has been adjusted in view of the outcome of the data protection impact assessment and of that opinion.

5. The provider shall annually publish and submit to the competent supervisory authority and to the Commission a report on the processing of personal data under this Regulation, including on the type and volumes of data processed, number of cases identified, measures applied to select and improve key indicators,

effectiveness of the different technologies deployed, the retention policy and the data protection safeguards applied.

Or. en

Justification

This proposed amendment should be considered as a preliminary version intended to initiate a thorough and thoughtful discussion how to include, but also improve voluntary detection and allow providers to continue with their voluntary efforts.

Amendment 826

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer
Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Legal basis for the risk mitigation through metadata processing

1. On the basis of the risk assessment submitted and, where applicable, further information, the Coordinating Authority of establishment shall have the power to authorise or require a provider of hosting services or a provider of interpersonal communications services to process metadata to the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, as a mitigation measure in accordance with Article 4.

When assessing whether to request the processing of metadata, the Coordinating Authority shall take into account any interference with the rights to privacy and data protection of the users of the service that such a processing entails and determine whether, in that case, the processing of metadata would be effective in mitigating the risk of use of the service for the purpose of child sexual abuse, and that it is strictly necessary and

proportionate.

2. If they process metadata as a risk mitigation measure, providers shall inform their users of such processing in their terms and conditions, including information on the possibility to submit complaints to the competent DPA concerning the relevant processing, in accordance with Regulation (EU) 2016/679, and on the avenues for judicial redress.

Or. en

Amendment 827

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Specific measures for platforms primarily used for the dissemination of pornographic content

Where an online platform is primarily used for the dissemination of user generated pornographic content, the platform shall take the necessary technical and organisational measures to ensure

a. user-friendly reporting mechanisms to report alleged child sexual abuse material;

b. adequate professional human content moderation to rapidly process notices of alleged child sexual abuse material;

c. automatic mechanisms and interface design elements to inform users about external resources in the user's region on preventing child sexual abuse, counselling by specialist helplines, victim support and educational resources by hotlines and child protection organisations;

d. automatic detection of searches for child sexual abuse material, warning and advice alerts displayed to users doing such searches, and flagging of the search and the user for human moderation;

Or. en

Amendment 828

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 b (new)

Text proposed by the Commission

Amendment

Article 4b

Specific measures for number-independent interpersonal communications service within games

Providers of online games that operate number-independent interpersonal communications service within their games, and which are exposed to a substantial amount of online child sexual abuse, shall take all of the following specific measures in addition to the requirements referred to Article 4:

- 1. prevent users from initiating unsolicited contact with other users;*
- 2. facilitate user-friendly reporting of alleged child sexual abuse material;*
- 3. provide technical measures and tools that allow users to manage their own privacy, visibility, reachability and safety and that are set to the most private and secure levels by default;*
- 4. provide tools in a prominent way on their platform that allow users and potential victims to seek help from their local help-line.*

Or. en

Amendment 829

Cornelia Ernst, Clare Daly

Proposal for a regulation
Article 5

Text proposed by the Commission

Amendment

Article 5

deleted

Risk reporting

1. Providers of hosting services and providers of interpersonal communications services shall transmit, by three months from the date referred to in Article 3(4), to the Coordinating Authority of establishment a report specifying the following:

(a) the process and the results of the risk assessment conducted or updated pursuant to Article 3, including the assessment of any potential remaining risk referred to in Article 3(5);

(b) any mitigation measures taken pursuant to Article 4.

2. Within three months after receiving the report, the Coordinating Authority of establishment shall assess it and determine, on that basis and taking into account any other relevant information available to it, whether the risk assessment has been carried out or updated and the mitigation measures have been taken in accordance with the requirements of Articles 3 and 4.

3.

Where necessary for that assessment, that Coordinating Authority may require further information from the provider, within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than two weeks.

The time period referred to in the first subparagraph shall be suspended until that additional information is provided.

4. Without prejudice to Articles 7 and 27 to 29, where the requirements of Articles 3 and 4 have not been met, that Coordinating Authority shall require the

provider to re-conduct or update the risk assessment or to introduce, review, discontinue or expand, as applicable, the mitigation measures, within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than one month.

5. Providers shall, when transmitting the report to the Coordinating Authority of establishment in accordance with paragraph 1, transmit the report also to the EU Centre.

6. Providers shall, upon request, transmit the report to the providers of software application stores, insofar as necessary for the assessment referred to in Article 6(2). Where necessary, they may remove confidential information from the reports.

Or. en

Amendment 830

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – title

Text proposed by the Commission

Amendment

Risk reporting

Risk reporting *and oversight*

Or. en

Amendment 831

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall transmit, by three months from the date referred to in Article 3(4), to the Coordinating Authority of establishment a report specifying the following:

1. Providers of hosting services and providers of *number-independent* interpersonal communications services *to which Article 3 applies* shall transmit, by three months from the date referred to in Article 3(4), to the Coordinating Authority of establishment a report specifying the

following:

Or. en

Amendment 832

Rob Rooker

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall transmit, by three months from the date referred to in Article 3(4), to the Coordinating Authority of establishment a report specifying the following:

Amendment

1. Providers of hosting services and providers of ***number independent*** interpersonal communications services shall transmit, by three months from the date referred to in Article 3(4), to the Coordinating Authority of establishment a report specifying the following:

Or. en

Amendment 833

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall transmit, by three months from the date referred to in Article 3(4), to the Coordinating Authority of establishment a report specifying the following:

Amendment

1. Providers of hosting services and providers of ***number-independent*** interpersonal communications services shall transmit, by three months from the date referred to in Article 3(4), to the Coordinating Authority of establishment a report specifying the following:

Or. en

Amendment 834

Maria Grapini

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

(1) Furnizorii de servicii de găzduire și furnizorii de servicii de comunicații interpersonale transmit autorității de coordonare din statul membru de stabilire, în termen de **trei luni** de la data menționată la articolul 3 alineatul (4), un raport în care specifică următoarele:

(1) Furnizorii de servicii de găzduire și furnizorii de servicii de comunicații interpersonale transmit autorității de coordonare din statul membru de stabilire, în termen de **o lună** de la data menționată la articolul 3 alineatul (4), un raport în care specifică următoarele:

Or. ro

Amendment 835

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) the process and the results of the risk assessment conducted or updated pursuant to Article 3, ***including the assessment of any potential remaining risk referred to in Article 3(5);***

Amendment

(a) the process and the results of the risk assessment conducted or updated pursuant to Article 3;

Or. en

Amendment 836

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) the process and the results of the risk assessment conducted or updated pursuant to Article 3, ***including the assessment of any potential remaining risk referred to in Article 3(5);***

Amendment

(a) the process and the results of the risk assessment conducted or updated pursuant to Article 3,

Or. en

Amendment 837

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) ***the process and*** the results of the risk assessment conducted or updated pursuant to Article 3, including the assessment of any ***potential*** remaining risk referred to in Article 3(5);

Amendment

(a) the results of the risk assessment conducted or updated pursuant to Article 3, including the assessment of any ***reasonably foreseeable*** remaining ***systemic serious*** risk referred to in Article 3(5);

Or. en

Amendment 838

Hilde Vautmans, Maite Pagazaurtundúa, Olivier Chastel, Fabienne Keller, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) any mitigation measures taken pursuant to Article 4.

Amendment

(b) any mitigation measures taken ***and those that require prior authorization*** pursuant to Article 4.

Or. en

Justification

Art. 4 par. 1a

Amendment 839

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) any ***mitigation*** measures taken pursuant to ***Article 4***.

Amendment

(b) any ***specific*** measures taken pursuant to ***Articles 4, 4a and 4b***.

Or. en

Amendment 840

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. Within three months after receiving the report, the Coordinating Authority of establishment shall assess it and determine, on that basis and taking into account any other relevant information available to it, whether the risk assessment has been carried out or updated and the **mitigation** measures have been taken in accordance with the requirements of Articles 3 and 4.

Amendment

2. Within three months after receiving the report, the Coordinating Authority of establishment shall assess it and determine, on that basis and taking into account any other relevant information available to it, whether the risk assessment has been carried out or updated and the **specific** measures **and implementation plans** have been taken in accordance with the requirements of Articles 3 and 4.

Or. en

Amendment 841
Maria Grapini
Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

(2) În termen de **trei luni** de la primirea raportului, autoritatea de coordonare din statul membru de stabilire evaluează raportul și stabilește, pe această bază și ținând seama de orice alte informații relevante de care dispune, dacă evaluarea riscurilor a fost efectuată sau actualizată și dacă măsurile de atenuare au fost luate în conformitate cu cerințele prevăzute la articolele 3 și 4.

Amendment

(2) În termen de **o lună** de la primirea raportului, autoritatea de coordonare din statul membru de stabilire evaluează raportul și stabilește, pe această bază și ținând seama de orice alte informații relevante de care dispune, dacă evaluarea riscurilor a fost efectuată sau actualizată și dacă măsurile de atenuare au fost luate în conformitate cu cerințele prevăzute la articolele 3 și 4.

Or. ro

Amendment 842
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where necessary for that assessment, that Coordinating Authority may require further information from the provider, **within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than two weeks.**

Amendment

Where necessary for that assessment, that Coordinating Authority may require further information from the provider, **to be provided without undue delay,**

Amendment 843

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The time period referred to in the first subparagraph shall be suspended until that additional information is provided.

deleted

Amendment 844

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. Without prejudice to Articles 7 and 27 to 29, where the requirements of Articles 3 and 4 have not been met, that Coordinating Authority shall require the provider to ***re-conduct or update*** the risk assessment or to ***introduce, review, discontinue or expand, as applicable, the mitigation*** measures, within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than one month.

4. Without prejudice to Articles 7 and 27 to 29, where the requirements of Articles 3 and 4 have not been met, that Coordinating Authority shall require the provider to ***make specific updates to*** the risk assessment or to ***take the necessary measures so as to ensure that Articles 3 and 4 are complied with***, within a reasonable time period set by that Coordinating Authority. That time period shall not be longer than one month. ***The provider may choose the type of specific measures to take.***

Justification

To align with Terrorist Content Online Regulation, the choice of measures shall be with the provider.

Amendment 845

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Article 5 – paragraph 4 – point a (new)

Text proposed by the Commission

Amendment

(a) Where the Coordinating Authority considers that the mitigation measures taken do not comply with Article 4, it shall address a decision to the provider requiring it to take the necessary measures so as to ensure that Article 4 is complied with.

Or. en

Amendment 846

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The provider may, at any time, request the competent Coordinating authority to review and, where appropriate, amend or revoke a decision as referred to in paragraph 4. The authority shall, within three months of receipt of the request, adopt a reasoned decision on the request based on objective factors and notify the provider of that decision.

Or. en

Amendment 847

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 5 – paragraph 6

Text proposed by the Commission

Amendment

6. Providers shall, upon request, transmit the report to the providers of software application stores, insofar as necessary for the assessment referred to

deleted

in Article 6(2). Where necessary, they may remove confidential information from the reports.

Or. en

Amendment 848

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 5 – paragraph 6

Text proposed by the Commission

Amendment

6. Providers shall, upon request, transmit the report to the providers of software application stores, insofar as necessary for the assessment referred to in Article 6(2). Where necessary, they may remove confidential information from the reports. *deleted*

Or. en

Amendment 849

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 6

Text proposed by the Commission

Amendment

6. Providers shall, upon request, transmit the report to the providers of software application stores, insofar as necessary for the assessment referred to in Article 6(2). Where necessary, they may remove confidential information from the reports. *deleted*

Or. en

Amendment 850

Maria Grapini

Proposal for a regulation

Article 5 – paragraph 6 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Furnizorii de servicii, Centrul UE și toate

autoritățile europene și naționale care gestionează datele personale ale copiilor sau ale adulților sunt obligate să respecte GDPR.

Or. ro

Amendment 851

Charlie Weimers, Cristian Terheș, Rob Rooker

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Obligations for software application stores

1. Providers of software application stores shall:

(a) make reasonable efforts to assess, where possible together with the providers of software applications, whether each service offered through the software applications that they intermediate presents a risk of being used for the purpose of the solicitation of children;

(b) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;

(c) take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the measures referred to in point (b).

2. In assessing the risk referred to in paragraph 1, the provider shall take into account all the available information, including the results of the risk assessment conducted or updated pursuant to Article 3.

3. Providers of software application stores shall make publicly available information describing the process and criteria used to

assess the risk and describing the measures referred to in paragraph 1. That description shall not include information that may reduce the effectiveness of the assessment of those measures.

4. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2 and 3, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Or. en

Justification

The Commission's proposed text would lead to age limits for messaging apps. Age verification would make anonymous communication for law-abiding citizens impossible.

Amendment 852

Patrick Breyer

on behalf of the Verts/ALE Group

Rob Rooker, Paul Tang, Karen Melchior, Cristian Terheş

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Obligations for software application stores

1. Providers of software application stores shall:

(a) make reasonable efforts to assess, where possible together with the providers of software applications, whether each service offered through the software applications that they intermediate presents a risk of being used for the purpose of the solicitation of children;

(b) take reasonable measures to prevent child users from accessing the software applications in relation to which they

have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;

(c) take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the measures referred to in point (b).

2. In assessing the risk referred to in paragraph 1, the provider shall take into account all the available information, including the results of the risk assessment conducted or updated pursuant to Article 3.

3. Providers of software application stores shall make publicly available information describing the process and criteria used to assess the risk and describing the measures referred to in paragraph 1. That description shall not include information that may reduce the effectiveness of the assessment of those measures.

4. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2 and 3, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Or. en

Justification

The proposed Article conflicts with the Digital Services Act and would mean that adolescents under 18 would no longer be able to use commonplace apps with communications functions including Messenger, social media, games or video conferencing apps - not even to keep in touch with their parents. Also age verification would collect children's personal data and expose them to likely leaks and abuse, increasing the risk of child grooming. Only last year, personal data of 500 mio. Facebook users was exposed online.

Amendment 853

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Obligations for software application stores

1. Providers of software application stores shall:

(a) make reasonable efforts to assess, where possible together with the providers of software applications, whether each service offered through the software applications that they intermediate presents a risk of being used for the purpose of the solicitation of children;

(b) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;

(c) take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the measures referred to in point (b).

2. In assessing the risk referred to in paragraph 1, the provider shall take into account all the available information, including the results of the risk assessment conducted or updated pursuant to Article 3.

3. Providers of software application stores shall make publicly available information describing the process and criteria used to assess the risk and describing the measures referred to in paragraph 1. That description shall not include information that may reduce the effectiveness of the assessment of those measures.

4. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines

on the application of paragraphs 1, 2 and 3, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Or. en

Justification

*app stores are
not best placed to comply with
these obligations due to their
technical and legal constraints*

Amendment 854
Cristian Terheş
Proposal for a regulation
Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

***Obligations for software application
stores***

***1. Providers of software application stores
shall:***

***(a) make reasonable efforts to assess,
where possible together with the providers
of software applications, whether each
service offered through the software
applications that they intermediate
presents a risk of being used for the
purpose of the solicitation of children;***

***(b) take reasonable measures to prevent
child users from accessing the software
applications in relation to which they
have identified a significant risk of use of
the service concerned for the purpose of
the solicitation of children;***

***(c) take the necessary age verification and
age assessment measures to reliably
identify child users on their services,***

enabling them to take the measures referred to in point (b).

2. In assessing the risk referred to in paragraph 1, the provider shall take into account all the available information, including the results of the risk assessment conducted or updated pursuant to Article 3.

3. Providers of software application stores shall make publicly available information describing the process and criteria used to assess the risk and describing the measures referred to in paragraph 1. That description shall not include information that may reduce the effectiveness of the assessment of those measures.

4. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2 and 3, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Or. en

Amendment 855
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Obligations for software application stores

1. Providers of software application stores shall:

(a) make reasonable efforts to assess, where possible together with the providers of software applications, whether each service offered through the software applications that they intermediate

presents a risk of being used for the purpose of the solicitation of children;

(b) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;

(c) take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the measures referred to in point (b).

2. In assessing the risk referred to in paragraph 1, the provider shall take into account all the available information, including the results of the risk assessment conducted or updated pursuant to Article 3.

3. Providers of software application stores shall make publicly available information describing the process and criteria used to assess the risk and describing the measures referred to in paragraph 1. That description shall not include information that may reduce the effectiveness of the assessment of those measures.

4. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2 and 3, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Or. en

Amendment 856
Rob Rooken
Proposal for a regulation
Article 6

Text proposed by the Commission

Amendment

Obligations for software application stores

1. Providers of software application stores shall:

(a) make reasonable efforts to assess, where possible together with the providers of software applications, whether each service offered through the software applications that they intermediate presents a risk of being used for the purpose of the solicitation of children;

(b) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;

(c) take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the measures referred to in point (b).

2. In assessing the risk referred to in paragraph 1, the provider shall take into account all the available information, including the results of the risk assessment conducted or updated pursuant to Article 3.

3. Providers of software application stores shall make publicly available information describing the process and criteria used to assess the risk and describing the measures referred to in paragraph 1. That description shall not include information that may reduce the effectiveness of the assessment of those measures.

4. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2 and 3, having due regard in particular to relevant technological developments and to the manners in which the services

covered by those provisions are offered and used.

Or. en

Justification

These provisions are in contradiction to the Digital Services Act.

Amendment 857

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

Obligations for software application stores

1. Providers of software application stores shall:

(a) make reasonable efforts to assess, where possible together with the providers of software applications, whether each service offered through the software applications that they intermediate presents a risk of being used for the purpose of the solicitation of children;

(b) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;

(c) take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the measures referred to in point (b).

2. In assessing the risk referred to in paragraph 1, the provider shall take into account all the available information,

including the results of the risk assessment conducted or updated pursuant to Article 3.

3. Providers of software application stores shall make publicly available information describing the process and criteria used to assess the risk and describing the measures referred to in paragraph 1. That description shall not include information that may reduce the effectiveness of the assessment of those measures.

4. The Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2 and 3, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Or. en

Amendment 858
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of software application stores shall:

Amendment

1. Providers of software application stores ***considered as gatekeepers under the Digital Markets Act (EU) 2022/1925*** shall:

Or. en

Amendment 859
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) ***make reasonable efforts to assess, where possible together with the providers of software applications, whether each***

Amendment

(a) ***indicate, based on the information provided by the applications developers, if applications contain features that could***

*service offered through the software applications **that they intermediate presents** a risk **of being used for the purpose of the solicitation of** children;*

*pose a risk **to** children;*

Or. en

Amendment 860
Vincenzo Sofo, Jadwiga Wiśniewska
Proposal for a regulation
Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the ***solicitation of*** children;

Amendment

(b) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the ***exploiting children or where the developer of the software application has informed the software application store that its terms of use do not allow child users, the software application has an appropriate age rating model in place, or the developer of the software application has requested the software application store not to allow child users to download its software applications.***

Or. en

Amendment 861
Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior
Proposal for a regulation
Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) ***take reasonable measures to prevent child users from accessing*** the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;

Amendment

(b) ***inform the software application provider concerned and the EU Centre about*** the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;

Or. en

Amendment 862

Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;

Amendment

(b) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children **or where:**

Or. en

Justification

As proposed by the rapporteur, providing for more effective and stringent obligations for software application stores.

Amendment 863

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) ***take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of*** children;

Amendment

(b) ***indicate, based on the information provided by the applications developers, if measures have been taken by the application to mitigate risks for children, and which measures have been taken;***

Or. en

Amendment 864

Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Article 6 – paragraph 1 – point b – point i (new)

Text proposed by the Commission

Amendment

i) the developer of the software

application has decided and informed the software application store that its terms and conditions of use do not permit child users,

Or. en

Justification

As proposed by the rapporteur, providing for more effective and stringent obligations for software application stores.

Amendment 865

Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Article 6 – paragraph 1 – point b – point ii (new)

Text proposed by the Commission

Amendment

ii) the software application has an appropriate age rating model in place, or

Or. en

Justification

As proposed by the rapporteur, providing for more effective and stringent obligations for software application stores.

Amendment 866

Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Article 6 – paragraph 1 – point b – point iii (new)

Text proposed by the Commission

Amendment

iii) the developer of the software application has requested the software application store not to allow child users to download its software applications.

Or. en

Justification

As proposed by the rapporteur, providing for more effective and stringent obligations for software application stores.

Amendment 867

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the measures referred to in point (b). *deleted*

Or. en

Amendment 868

Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) take the necessary age verification and age assessment measures to reliably identify child users on their services, enabling them to take the measures referred to in point (b). *deleted*

Or. en

Amendment 869

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) indicate, based on the information provided by the applications developers, the minimum age for using an application, as set out in the terms and conditions of the provider of the application;

Amendment 870

Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlani, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Providers of software applications who have been informed that in relation to their software applications a significant risk of use of the service concerned for the purpose of the solicitation of children has been identified, shall take reasonable and proportionate mitigation measures.

Or. en

Amendment 871

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. In assessing the risk referred to in paragraph 1, the provider shall take into account all the available information, including the results of the risk assessment conducted or updated pursuant to Article 3.

deleted

Or. en

Amendment 872

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Providers of software application stores shall make publicly available information describing the process and criteria used to assess the risk and describing the measures referred to in paragraph 1. That description shall not

deleted

include information that may reduce the effectiveness of the assessment of those measures.

Or. en

Amendment 873
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

4. The Commission, in cooperation with Coordinating Authorities *and* the EU Centre and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2 and 3, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Amendment

4. The Commission, in cooperation with Coordinating Authorities, the EU Centre, ***the European Data Protection Board and the Fundamental Rights Agency***, and after having conducted a public consultation, may issue guidelines on the application of paragraphs 1, 2 and 3, having due regard in particular to relevant technological developments and to the manners in which the services covered by those provisions are offered and used.

Or. en

Amendment 874
Carles Puigdemont i Casamajó
Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Encrypted services and metadata processing

1. Nothing in this Regulation shall be interpreted as prohibiting or weakening end-to-end encryption.

2. On the basis of the risk assessment submitted and, where applicable, further information, the Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to

authorise a provider of hosting services or a provider of interpersonal communications services to process metadata to the extent strictly necessary and proportionate to mitigate the risk of misuse of their services for the purpose of online child sexual abuse.

When assessing whether to request the processing of metadata, the Coordinating Authority shall take into account any interference with the rights to privacy and data protection of the users of the service that such a processing entails and determine whether, in that case, the processing of metadata would be effective in mitigating the risk of use of the service for the purpose of child sexual abuse, and that it is strictly necessary and proportionate.

3. Without prejudice to Regulation (EU) 2016/679, providers shall inform the users of such processing in their terms and conditions, including information on the possibility to submit complaints to the competent data processing authorities concerning the relevant processing and on the avenues for judicial redress.

Or. en

Amendment 875

Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Tomas Tobé, Jessica Polfjård, Jörgen Warborn, Arba Kokalari, Karen Melchior, Lukas Mandl, Rob Rooker

Proposal for a regulation

Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

End-to-end encrypted services

Nothing in this Regulation shall be interpreted as prohibiting or compromising the integrity and confidentiality of end-to-end encrypted content and communications. As

compromising the integrity of end-to-end encrypted content and communications shall be understood the processing of any data that would compromise or put at risk the integrity and confidentiality of the content and communications in the end-to-end encryption. Nothing in this regulation shall thus be interpreted as justifying client-side scanning with side-channel leaks or other measures by which the provider of a hosting service or a provider of interpersonal communications services provides third party actors access to the end-to-end encrypted content.

Or. en

Justification

While the distinction between end-to-end encrypted and non-end-to-end encrypted content and communications, as introduced by the rapporteur in LIBE AM 106, is welcome, stronger wording on the fundamental importance of the integrity and confidentiality of end-to-end encrypted content and communications is needed. This is the case in particular with regards to the instances of client-side scanning with side-channel leaks, that is an example of a practice that, while not necessarily 'weakening' the end-to-end encryption, still puts the integrity and confidentiality of the end-to-end encrypted content and communications at risk.

Amendment 876

Sven Simon, Christian Doleschal, Niclas Herbst, Sara Skytvedal, Jessica Polfjård, Tomas Tobé, Arba Kokalari

Proposal for a regulation

Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

End-to-end encrypted services

Nothing in this Regulation shall be interpreted as prohibiting, weakening or compromising the integrity and confidentiality of end-to-end encrypted content and communications. Nothing in this regulation shall thus be interpreted as justifying client-side scanning with side-channel leaks or other measures by which the provider of a hosting service or a provider of interpersonal communication services provides third

party actors access to end-to-end encrypted content. No provider of a hosting service or provider of interpersonal communication services shall be compelled to enable or create access to communications by means of bypassing user authentication or encryption under the scope of this regulation.

Or. en

Amendment 877
Charlie Weimers, Cristian Terheş, Rob Rooker
Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Encrypted services and metadata processing

1. Nothing in this Regulation shall be interpreted as prohibiting or weakening end-to-end encryption.

Or. en

Amendment 878
Charlie Weimers, Cristian Terheş
Proposal for a regulation
Article 6 b (new)

Text proposed by the Commission

Amendment

Article 6b

Software application stores

1. Providers of software application stores shall:

(a) take reasonable measures to prevent child users from accessing the software applications in relation to which they have identified a significant risk of use of the service concerned for the purpose of the solicitation of children;

Or. en

Amendment 879
Rob Rooken
Proposal for a regulation
Article 7

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 880
Cristian Terheş
Proposal for a regulation
Article 7

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 881
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 7

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 882
Sven Simon, Christian Doleschal, Niclas Herbst, Jessica Polfjård, Tomas Tobé, Arba Kokalari
Proposal for a regulation
Article 7 – title

Text proposed by the Commission

Amendment

Issuance of detection orders

Issuance of *targeted* detection orders

Or. en

Amendment 883
Paul Tang, Alex Agius Saliba

Proposal for a regulation
Article 7 – title

Text proposed by the Commission

Amendment

Issuance of detection **orders**

Issuance of detection **warrants**

Or. en

Amendment 884

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – title

Text proposed by the Commission

Amendment

7 Issuance of detection **orders**

7 Issuance of detection **warrants**

Or. en

Justification

The word "order" in connection with Detection orders must always be replaced with "warrants".

Amendment 885

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service. **deleted**

Amendment 886

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. ***The Coordinating Authority of establishment shall have the power to request the*** competent judicial authority of the Member State that designated ***it or another independent administrative authority of that Member State to issue*** a detection ***order*** requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect ***online*** child sexual abuse ***on*** a specific ***service***.

Amendment

1. A competent judicial ***authority may issue, following a request by the*** Coordinating Authority of the Member State ***that designated the judicial*** authority, a detection ***warrant*** requiring a provider of hosting services or a provider of ***number-independent*** interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect child sexual abuse ***material related to specific terminal equipment or a specific user account, where there is a reasonable suspicion such content is stored on that terminal equipment or in that user account.***

Justification

This amendment should be interpreted as changing the wording "detection orders" throughout this Article and throughout this Regulation to "detection warrants". Detection warrants target specific devices or specific user accounts of an individual suspect against which there is a reasonable suspicion of possessing "known child sexual abuse material". Those warrants can only be issued by competent judicial authorities.

Amendment 887

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to

Amendment

1. The Coordinating Authority of establishment shall have the power to

request the competent judicial authority of the Member State that designated it *or another independent administrative authority of that Member State* to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect **online** child sexual abuse *on a specific service*.

request the competent judicial authority of the Member State that designated it *to consider whether* to issue a detection **warrant** order requiring a provider of hosting services or a provider of **number-independent** interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect child sexual abuse **material linked to specific terminal equipments or specific user accounts where there is reasonable suspicion that such content is in that user account or on that terminal equipment**.

Or. en

Justification

Any detection warrant must be targeted and should only be initiated when there is reasonable suspicion.

Amendment 888

Sven Simon, Christian Doleschal, Niclas Herbst, Jessica Polfjärd, Tomas Tobé, Arba Kokalari

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it *or another independent administrative authority of that Member State* to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a **targeted** detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect **individual cases of** online child sexual abuse on a specific service. **The scope of a targeted detection order shall be limited to individual users or groups of users for whom there is evidence suggesting that their conduct might have a link with child sexual abuse offences.**

Or. en

Justification

In line with the jurisprudence of the ECJ detection orders that would be general and indiscriminate would likely violate the principle of proportionality. Hence, detection orders shall be limited to individual cases where there is probable cause for offences. (cf. par. 66 of the opinion of the Council's Legal Service (Doc. 8787/23)).

Amendment 889

Patrick Breyer

on behalf of the Verts/ALE Group

Rob Rooken, Paul Tang, Karen Melchior, Cristian Terhes

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it ***or another independent administrative authority of that Member State*** to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect ***online*** child sexual abuse ***on a specific service***.

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a detection order requiring a provider of hosting services or a provider of ***publicly available number-independent*** interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect ***child sexual abuse material in images or videos contained in the uploads or communications of one or more specific users of that service, where there is reasonable suspicion of child sexual abuse offences committed by these users***.

Or. en

Justification

Allowing for automated searches of all private messages sent through a service or part of a service would constitute untargeted mass surveillance of the private communications of millions of persons who are not even remotely connected to child sexual exploitation, would violate fundamental rights and result in the annulment of the entire detection regime in court, failing to better protect children. Indiscriminately searching hosted data would violate the prohibition of general monitoring. Intercepting the communications and uploads of suspects with a court order and using technology to filter images and videos for potential CSAM is justified. There is no sufficiently reliable, transparent and independently verified automated technology to search for child solicitation.

Amendment 890

Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlani, Jan-

Christoph Oetjen, Svenja Hahn, Karen Melchior
Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it ***or another independent administrative authority of that Member State*** to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service ***in the online activities of persons suspected of being involved in child sexual abuse and persons disqualified from exercising activities involving children.***

Or. en

Justification

According to opinion 8787/23 of the Council's legal service, if the Council were to decide to maintain interpersonal communications within the scope of the regime of the detection order, the regime should be targeted in such a way that it applies to persons in respect of whom there are reasonable grounds to believe that they are in some way involved in, committing or have committed a child sexual abuse offence, or have a connection, at least indirectly, with the commission of sexual abuse offences.

Amendment 891
Charlie Weimers, Cristian Terheş
Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to request ***the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State*** to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services

Amendment

1. The Coordinating Authority of establishment shall have the power to request ***a court of law of a Member State*** to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take measures to detect online child sexual abuse ***where there is probable***

under the jurisdiction of that Member State to take *the* measures *specified in Article 10* to detect online child sexual abuse *on a specific service*.

cause to suspect illegal activity.

Or. en

Justification

Clarifies that a court of law must issue the detection order.

Amendment 892

Maite Pagazaurtundúa, Moritz Körner

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it *or another independent administrative authority of that Member State* to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

Or. en

Amendment 893

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it *or another independent administrative authority of that Member State* to issue a detection order requiring a provider of hosting services or a provider of

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a *targeted* detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State

interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

Or. en

Amendment 894

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect online child sexual abuse on a specific service.

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue a detection order requiring a provider of hosting services or a provider of interpersonal communications services under the jurisdiction of that Member State to take the measures specified in Article 10 to detect **and prevent** online child sexual abuse on a specific service.

Or. en

Amendment 895

Hilde Vautmans, Olivier Chastel, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Coordinating Authority of establishment shall have the power to authorise the provider the voluntary use of specific technologies for the processing of personal data and other data to the extent strictly necessary to detect, report and remove online child sexual abuse on their services and to mitigate the risk of misuse of their services for the purpose of online child sexual abuse, following a risk assessment performed by the provider

pursuant to Article 3 of this Regulation. It shall have the power to define the terms of authorisation for the provider to take measures specified in Article 10 to detect online child sexual abuse on a specific service.

Or. en

Amendment 896
Rob Rooken
Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Detection orders shall only target providers of hosting services or providers of number independent interpersonal communications services that fail to comply with the requirements outlined in articles 3, 4 and 5 of this Regulation. They shall only be issued once all the measures in the abovementioned articles have been exhausted and target providers that can reasonably be expected to have the technical and operational ability to act.

Or. en

Justification

Detection orders can be extremely invasive for users' privacy and fundamental rights, such as the protection of their personal sphere. This amendment aims to balance it by ensuring that said order comes as a last resort measure and is not imposed by default on a provider. Only providers that fail to comply with the requirements in articles 3, 4 and 5 can be targeted, and only those that have the ability to act shall be expected to do so.

Amendment 897
Patrick Breyer
on behalf of the Verts/ALE Group
Rob Rooken, Paul Tang, Karen Melchior, Cristian Terheş
Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Interpersonal communications to

which end to end encryption is, has been or will be applied, shall not be subject to the measures specified in Article 10.

Or. en

Justification

To explicitly exclude client-side scanning and disclosing of private communications on personal devices before the intended end to end encryption is applied, or after receiving end to end encrypted message. This serves to protect the confidentiality and integrity of personal devices which should work for their owner, not against them.

Amendment 898

Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Such a detection order shall as far as possible be restricted and specified, not calling for mass detection through the whole services.

Or. en

Amendment 899

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. The Coordinating Authority of establishment shall, before requesting the issuance of a detection order, carry out the investigations and assessments necessary to determine whether the conditions of paragraph 4 have been met.

deleted

To that end, it may, where appropriate, require the provider to submit the necessary information, additional to the report and the further information referred to in Article 5(1) and (3), respectively, within a reasonable time period set by that Coordinating Authority, or request the EU Centre, another public authority or relevant experts or entities to

provide the necessary additional information.

Or. en

Amendment 900
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment *shall, before requesting the issuance of a* detection order, *carry out the investigations and assessments necessary to determine whether the conditions of paragraph 4 have been met.*

Amendment

The request of the Coordinating Authority of establishment *for a targeted* detection order *shall include any evidence suggesting individual or collective conduct that establishes a link with child sexual abuse offences, in particular previous offences.*

Or. en

Amendment 901
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment shall, before requesting the issuance of a detection *order*, carry out the investigations and assessments necessary to determine whether the conditions of paragraph 4 have been met.

Amendment

The Coordinating Authority of establishment shall, before requesting the issuance of a detection *warrant*, carry out the investigations and assessments necessary to determine whether the conditions of paragraph 4 have been met.

Or. en

Amendment 902
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The Coordinating Authority of establishment shall, before requesting the issuance of a detection order, carry out the **investigations and** assessments necessary to determine whether the conditions of paragraph 4 have been met.

The Coordinating Authority of establishment shall, before requesting the issuance of a detection order, carry out the assessments necessary to determine whether the conditions of paragraph 4 have been met.

Or. en

Amendment 903
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

To that end, it may, where appropriate, require the provider to submit **the necessary information, additional to the report and the further information referred to in Article 5(1) and (3), respectively**, within a reasonable time period set by that Coordinating Authority, or request the EU Centre, another public authority or relevant experts or entities to provide the necessary additional information.

Amendment

To that end, it may, where appropriate, require the provider to submit **evidence** within a reasonable time period set by that Coordinating Authority, or request the EU Centre, another public authority or relevant experts or entities to provide the necessary additional information.

Or. en

Amendment 904
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

To that end, it may, where appropriate, require the provider to submit the necessary information, additional to the report and the further information referred to in Article 5(1) and (3), respectively, within a reasonable time period set by that Coordinating Authority, or request **the EU Centre**, another public authority or relevant experts or entities to provide the necessary additional information.

Amendment

To that end, it may, where appropriate, require the provider to submit the necessary information, additional to the report and the further information referred to in Article 5(1) and (3), respectively, within a reasonable time period set by that Coordinating Authority, or request another public authority or relevant experts or entities to provide the necessary additional information.

Or. en

Amendment 905
Vincenzo Sofo, Jadwiga Wiśniewska
Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The grounds for issuing the order shall outweigh the negative consequences for the rights and legitimate interests of all the parties concerned, having regard in particular to the need to endure a fair balance between the fundamental rights of those parties. The order shall be a measure of last resort and shall be issued on the basis of a case-by-case analysis.

Or. en

Amendment 906
Cristian Terheş
Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 907
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 908
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Where the Coordinating Authority of establishment takes the **preliminary** view that the conditions of paragraph 4 have been met, it shall:

Amendment

Where the Coordinating Authority of establishment takes the view that the conditions of paragraph 4 have been met, it shall:

Or. en

Amendment 909

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

(a) establish a draft request for the issuance of a detection **order**, specifying the main elements of the content of the detection **order** it intends to request and the reasons for requesting it;

Amendment

(a) establish a draft request **to the competent judicial authority of the Member State that designated it** for the issuance of a detection **warrant**, specifying the main elements of the content of the detection **warrant** it intends to request and the reasons for requesting it;

Or. en

Amendment 910

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

(a) establish a draft request for the issuance of a detection **order**, specifying the main elements of the content of the detection **order** it intends to request and the reasons for requesting it;

Amendment

(a) establish a draft request **to the competent judicial authority of the Member State that designated it** for the issuance of a detection **warrant**, specifying the main elements of the content of the detection **warrant** it intends to request and the reasons for requesting it;

Or. en

Amendment 911

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) establish a draft request for the issuance of a detection order, specifying the main elements of the content of the detection order it intends to request and the reasons for requesting it;

(a) establish a draft request for the issuance of a detection order, specifying ***the factual and legal grounds upon which the request is based***, the main elements of the content of the detection order it intends to request and the reasons for requesting it;

Or. en

Amendment 912

Charlie Weimers, Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) establish a draft request for the issuance of a detection order, specifying the main elements of the content of the detection order it intends to request and the reasons for requesting it;

(a) establish a draft request for the issuance of a detection order, specifying ***targeted suspects and or activities***, the main elements of the content of the detection order it intends to request and the reasons for requesting it;

Or. en

Amendment 913

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) ***submit the draft request to the provider and the EU Centre;***

deleted

Or. en

Amendment 914

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel
Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) submit the draft request to the
provider and the EU Centre;

(b) submit the draft request to the
*supervisory authorities designated
pursuant to Chapter VI, Section 1, of
Regulation (EU) 2016/678 and request it
to perform its tasks within the competence
pursuant to Chapter VI, Section 2 of
Regulation (EU) 2016/678 and provide its
opinion on the draft request, within a
reasonable time period set by that
Coordinating Authority;*

Or. en

Amendment 915
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) *afford the provider an opportunity
to comment on the draft request, within a
reasonable time period set by that
Coordinating Authority;*

deleted

Or. en

Amendment 916
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) *afford the provider an opportunity
to comment on the draft request, within a
reasonable time period set by that
Coordinating Authority;*

deleted

Amendment 917

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) afford the provider an opportunity to comment on the draft request, within a reasonable time period set by that Coordinating Authority; **deleted**

Amendment 918

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) invite the EU Centre to provide its opinion on the draft request, within a time period of four weeks from the date of receiving the draft request. **deleted**

Amendment 919

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) invite the EU Centre to provide its opinion on the draft request, within a time period of four weeks from the date of receiving the draft request. **deleted**

Amendment 920

Maria Grapini
Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) să invite Centrul UE să emită un aviz cu privire la proiectul de cerere, în termen de **patru** săptămâni de la data primirii proiectului de cerere.

(d) să invite Centrul UE să emită un aviz cu privire la proiectul de cerere, în termen de **două** săptămâni de la data primirii proiectului de cerere.

Or. ro

Amendment 921
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) Request the supervisory authorities designated pursuant to Chapter VI, Section 1, of Regulation (EU) 2016/678 to perform their tasks within the competence pursuant to Chapter VI, Section 2 of Regulation (EU) 2016/678 and provide their opinion on the draft request, within a reasonable time period set by that Coordinating Authority;

Or. en

Amendment 922
Cristian Terheş
Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

Where, having regard to the comments of the provider and the opinion of the EU Centre, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall re-submit the draft request, adjusted where appropriate, to the provider. In that case, the provider shall do all of the following, within a reasonable time period set by that Coordinating Authority:

deleted

(a) draft an implementation plan setting out the measures it envisages taking to execute the intended detection order, including detailed information regarding the envisaged technologies and safeguards;

(b) where the draft implementation plan concerns an intended detection order concerning the solicitation of children other than the renewal of a previously issued detection order without any substantive changes, conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

(c) where point (b) applies, or where the conditions of Articles 35 and 36 of Regulation (EU) 2016/679 are met, adjust the draft implementation plan, where necessary in view of the outcome of the data protection impact assessment and in order to take into account the opinion of the data protection authority provided in response to the prior consultation;

(d) submit to that Coordinating Authority the implementation plan, where applicable attaching the opinion of the competent data protection authority and specifying how the implementation plan has been adjusted in view of the outcome of the data protection impact assessment and of that opinion.

Or. en

Amendment 923

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

Where, having regard to the comments of the provider and the opinion of the EU **deleted**

Centre, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall re-submit the draft request, adjusted where appropriate, to the provider. In that case, the provider shall do all of the following, within a reasonable time period set by that Coordinating Authority:

(a) draft an implementation plan setting out the measures it envisages taking to execute the intended detection order, including detailed information regarding the envisaged technologies and safeguards;

(b) where the draft implementation plan concerns an intended detection order concerning the solicitation of children other than the renewal of a previously issued detection order without any substantive changes, conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

(c) where point (b) applies, or where the conditions of Articles 35 and 36 of Regulation (EU) 2016/679 are met, adjust the draft implementation plan, where necessary in view of the outcome of the data protection impact assessment and in order to take into account the opinion of the data protection authority provided in response to the prior consultation;

(d) submit to that Coordinating Authority the implementation plan, where applicable attaching the opinion of the competent data protection authority and specifying how the implementation plan has been adjusted in view of the outcome of the data protection impact assessment and of that opinion.

Or. en

Amendment 924

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

Where, having regard to ***the comments of the provider and*** the opinion of the EU Centre, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall ***re-submit the draft*** request, adjusted where appropriate, to the provider. ***In that case,*** the provider ***shall*** do all of the following, within a reasonable time period ***set by that Coordinating Authority:***

Amendment

Where, having regard to the opinion of the EU Centre, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have ***been*** met, it shall request ***the judicial validation of the detection order from the competent judicial authority responsible for the issuing of such orders pursuant to paragraph 4. Upon receipt of judicial validation of the order, the Coordinating Authority shall submit the order,*** adjusted where appropriate, to the provider. ***Prior to requesting the judicial validation of the detection order, the Coordinating Authority shall request*** the provider ***to*** do all of the following within a reasonable time period:

Or. en

Amendment 925

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Hélène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer
Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

Where, having regard to the comments of the provider and the opinion of the EU Centre, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall re-submit the draft request, adjusted where appropriate, to the provider. In that case, the provider shall do all of the following, within a reasonable time period set by that Coordinating Authority:

Amendment

Where, having regard to the comments of the provider and the opinion of the EU Centre, ***and in particular taking into account the assessment of the EU Centre's Technical Committee as referred to in Article 66(6)(a NEW),*** that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall re-submit the draft request, adjusted where appropriate, to the provider. In that case, the provider shall do all of the following, within a reasonable time period set by that Coordinating Authority:

Amendment 926

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

Where, having regard to the comments of the *provider and the opinion of the EU Centre*, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall re-submit the draft request, adjusted where appropriate, *to the provider. In that case, the provider shall do all of the following, within a reasonable time period set by that Coordinating Authority.*

Where, having regard to the comments of the *competent supervisory authorities designated pursuant to Chapter VI, Section 1, of Regulation (EU) 2016/678 to*, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall re-submit the draft request, adjusted where appropriate *and* shall:

Amendment 927

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) draft an implementation plan setting out the measures it envisages taking to execute the intended detection order, including detailed information regarding the envisaged technologies and safeguards;

deleted

Amendment 928

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Hélène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) draft an implementation plan setting out the measures it envisages taking to execute the intended detection order, including detailed information regarding the envisaged technologies and safeguards;

(a) draft an implementation plan setting out the measures it envisages taking to execute the intended detection order, including detailed information regarding the envisaged technologies and safeguards; ***the implementation plan shall explicitly set out the specific measures that the provider intends to take to counter act potential security risk that might be linked to the execution of the detection order on its services. The provider may consult the EU Centre, and in particular its Technology Committee, to obtain support in identifying appropriate measures in this respect;***

Or. en

Amendment 929

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) draft an implementation plan setting out the measures it envisages taking to execute the intended detection order, including detailed information regarding the envisaged technologies and safeguards;

(a) draft an implementation plan setting out ***the specific person or persons the authority intends to investigate***, the measures it envisages taking to execute the intended detection order, including detailed information regarding the envisaged technologies and safeguards;

Or. en

Amendment 930

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) draft an implementation plan setting out the measures it envisages taking to execute the intended detection **order**, including detailed information regarding the envisaged technologies and safeguards;

(a) draft an implementation plan setting out the measures it envisages taking to execute the intended detection **warrant**, including detailed information regarding the envisaged technologies and safeguards;

Or. en

Amendment 931

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) where the draft implementation plan concerns an intended detection order concerning the solicitation of children other than the renewal of a previously issued detection order without any substantive changes, conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

deleted

Or. en

Amendment 932

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) where the draft implementation plan concerns an intended detection order concerning the solicitation of children other than the renewal of a previously issued detection order without any substantive changes, conduct a data protection impact assessment and a prior consultation procedure as referred to in

(b) request a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

Or. en

Amendment 933

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

(b) where the draft implementation plan concerns an intended detection order concerning the ***solicitation of children*** other than the renewal of a previously issued detection order without any substantive changes, conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

Amendment

(b) where the draft implementation plan concerns an intended detection order concerning the ***reasonable suspicion that the dissemination of child sexual abuse material is conducted by one or more specific users , and where*** other than the renewal of a previously issued detection order without any substantive changes, conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

Or. en

Amendment 934

Karolin Braunsberger-Reinhold

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

(b) where the draft implementation plan concerns an intended detection order concerning the solicitation of children other than the renewal of a previously issued detection order without any substantive changes, conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the

Amendment

(b) where the draft implementation plan concerns an intended detection order concerning the solicitation of children other than the renewal of a previously issued detection order without any substantive changes, conduct a data protection impact assessment, ***a child rights impact assessment of child sexual abuse risks*** and a prior consultation procedure as referred to in Articles 35 and

measures set out in the implementation plan;

36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

Or. en

Amendment 935

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

(b) where the draft implementation plan concerns an intended detection order concerning the solicitation of children other than the renewal of a previously issued detection order without any substantive changes, conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

Amendment

(b) where the draft implementation plan concerns an intended detection order concerning ***new child sexual abuse material and*** the solicitation of children other than the renewal of a previously issued detection order without any substantive changes, conduct a data protection impact assessment and a prior consultation procedure as referred to in Articles 35 and 36 of Regulation (EU) 2016/679, respectively, in relation to the measures set out in the implementation plan;

Or. en

Amendment 936

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

(c) where point (b) applies, or where the conditions of Articles 35 and 36 of Regulation (EU) 2016/679 are met, adjust the draft implementation plan, where necessary in view of the outcome of the data protection impact assessment and in order to take into account the opinion of the data protection authority provided in response to the prior consultation;

Amendment

deleted

Or. en

Amendment 937

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) *where point (b) applies, or where the conditions of Articles 35 and 36 of Regulation (EU) 2016/679 are met*, adjust the draft implementation plan, where necessary in view of the outcome of the data protection impact assessment and in order to take into account the opinion of the data protection authority provided in response to the prior consultation;

(c) adjust the draft implementation plan, where necessary in view of the outcome of the data protection impact assessment and in order to take into account the opinion of the data protection authority provided in response to the prior consultation;

Or. en

Amendment 938

Karolin Braunsberger-Reinhold

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) where point (b) applies, or where the conditions of Articles 35 and 36 of Regulation (EU) 2016/679 are met, adjust the draft implementation plan, where necessary in view of the outcome of the data protection impact assessment and in order to take into account the opinion of the data protection authority provided in response to the prior consultation;

(c) where point (b) applies, or where the conditions of Articles 35 and 36 of Regulation (EU) 2016/679 are met, adjust the draft implementation plan, where necessary in view of the outcome of the data protection impact assessment, *child rights impact assessment of child sexual abuse risks* and in order to take into account the opinion of the data protection authority provided in response to the prior consultation;

Or. en

Amendment 939

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) where point (b) applies, or where the conditions of Articles 35 and 36 of Regulation (EU) 2016/679 are met, adjust the draft implementation plan, where necessary in view of the outcome of the data protection impact assessment and in order to take **into** account the opinion of the data protection authority provided in response to the prior consultation;

(c) where point (b) applies, or where the conditions of Articles 35 and 36 of Regulation (EU) 2016/679 are met, adjust the draft implementation plan, where necessary, in view of the outcome of the data protection impact assessment and in order to take **utmost** account **of** the opinion of the data protection authority provided in response to the prior consultation;

Or. en

Amendment 940

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) submit to that Coordinating Authority the implementation plan, where applicable attaching the opinion of the competent data protection authority and specifying how the implementation plan has been adjusted in view of the outcome of the data protection impact assessment and of that opinion.

deleted

Or. en

Amendment 941

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) submit to that **Coordinating** Authority the implementation plan, **where applicable** attaching the opinion of the competent data protection authority and specifying how the implementation plan has been adjusted in view of the outcome

(d) submit to that **competent judicial** authority **of the Member State that designated it** the implementation plan, attaching the opinion of the competent data protection authority and specifying how the implementation plan has been adjusted in

of the data protection impact assessment
and of that opinion.

view of the outcome of the data protection
impact assessment and of that opinion

Or. en

Amendment 942

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) submit to that Coordinating Authority the implementation plan, where applicable attaching the opinion of the competent data protection authority and specifying how the implementation plan has been adjusted *in view* of the outcome of the data protection impact assessment and of that opinion.

(d) submit to that Coordinating Authority the implementation plan, where applicable attaching the opinion of the competent data protection authority and specifying how the implementation plan has been adjusted *to take full account* of the outcome of the data protection impact assessment and of that opinion.

Or. en

Amendment 943

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

Where, having regard to the implementation plan of the provider and the opinion of the data protection authority, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall submit the request for the issuance of the detection, adjusted where appropriate, to the competent judicial authority or independent administrative authority. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request.

deleted

Or. en

Amendment 944

Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Where, having regard to *the implementation plan of the provider and* the opinion of the data protection authority, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall submit the request for the issuance of the detection, adjusted where appropriate, to the competent judicial authority *or independent administrative authority*. It shall attach the *implementation plan of the provider and the opinions of the EU Centre and* the data protection authority to that request.

Amendment

Where, having regard to the opinion of the data protection authority, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall submit the request for the issuance of the detection, adjusted where appropriate, to the competent judicial authority. It shall attach the *opinion of* the data protection authority to that request.

Or. en

Amendment 945
Tiemo Wölken, René Repasi
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Where, having regard to *the implementation plan of the provider and* the opinion of the data protection authority, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall submit the request for the issuance of the detection, adjusted where appropriate, to the competent judicial authority *or independent administrative authority*. It shall attach the implementation plan *of the provider and* the *opinions of the EU Centre and* the data protection authority to that request.

Amendment

Where, having regard to the opinion of the data protection authority, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall submit the request for the issuance of the detection, adjusted where appropriate, to the competent judicial authority. It shall attach the implementation plan and the *opinion of* the data protection authority to that request.

Or. en

Amendment 946
Charlie Weimers, Cristian Terheş
Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Where, having regard to the implementation plan of the provider and the opinion of the data protection authority, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall submit the request for the issuance of the detection, adjusted where appropriate, to ***the competent judicial authority or independent administrative authority***. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request.

Amendment

Where, having regard to the implementation plan of the provider and the opinion of the data protection authority, that Coordinating Authority continues to be of the view that the conditions of paragraph 4 have met, it shall submit the request for the issuance of the detection, adjusted where appropriate, to ***a court of law***. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request.

Or. en

Justification

Clarifies that a court of law of a Member State issues the detection order.

Amendment 947
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 7 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Where, having regard to the implementation plan of the provider and the opinion of the data protection authority, that Coordinating Authority ***continues to be of*** the view that the conditions of paragraph 4 have met, it shall submit the request for the issuance of the detection, adjusted where appropriate, to the competent judicial authority ***or independent administrative authority***. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request.

Amendment

Where, having regard to the implementation plan of the provider and ***having utmost regard to*** the opinion of the data protection authority, that Coordinating Authority ***is*** the view that the conditions of paragraph 4 have met, it shall submit the request for the ***validation and*** issuance of the detection, adjusted where appropriate, to the competent judicial authority ***e***. It shall attach the implementation plan of the provider and the opinions of the EU Centre and the data protection authority to that request.

Amendment 948
Cristian Terheş
Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority or independent administrative authority shall issue the detection order where it considers that the following conditions are met: **deleted**

(a) there is evidence of a significant risk of the service being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;

(b) the reasons for issuing the detection order outweigh negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties.

When assessing whether the conditions of the first subparagraph have been met, account shall be taken of all relevant facts and circumstances of the case at hand, in particular:

(a) the risk assessment conducted or updated and any mitigation measures taken by the provider pursuant to Articles 3 and 4, including any mitigation measures introduced, reviewed, discontinued or expanded pursuant to Article 5(4) where applicable;

(b) any additional information obtained pursuant to paragraph 2 or any other relevant information available to it, in particular regarding the use, design and operation of the service, regarding the provider's financial and technological capabilities and size and regarding the

potential consequences of the measures to be taken to execute the detection order for all other parties affected;

(c) the views and the implementation plan of the provider submitted in accordance with paragraph 3;

(d) the opinions of the EU Centre and of the data protection authority submitted in accordance with paragraph 3.

As regards the second subparagraph, point (d), where that Coordinating Authority substantially deviates from the opinion of the EU Centre, it shall inform the EU Centre and the Commission thereof, specifying the points at which it deviated and the main reasons for the deviation.

Or. en

Amendment 949
Cristian Terheş
Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority or independent administrative authority shall issue the detection order where it considers that the following conditions are met:

deleted

(a) there is evidence of a significant risk of the service being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;

(b) the reasons for issuing the detection order outweigh negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties.

Amendment 950

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority *or independent administrative authority* shall issue the detection order where it considers that the following conditions are met:

The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority shall issue the detection order where it considers that the following conditions are met:

Or. en

Amendment 951

Maite Pagazaurtundúa, Moritz Körner

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority *or independent administrative authority* shall issue the detection order where it considers that the following conditions are met:

The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority shall issue the detection order where it considers that the following conditions are met:

Or. en

Amendment 952

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The Coordinating Authority of establishment shall request the issuance of

The Coordinating Authority of establishment shall request the issuance of

the detection ***order***, and the competent judicial authority ***or independent administrative authority*** shall issue the detection ***order*** where it considers that the following conditions are met:

the detection ***warrant***, and the competent judicial authority shall issue the detection ***warrant*** where it considers that the following conditions are met:

Or. en

Amendment 953

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority ***or independent administrative authority*** shall issue the detection order ***where it considers that the following conditions are met:***

Amendment

The Coordinating Authority of establishment shall request the issuance of the ***targeted*** detection order, and the competent judicial authority shall issue the ***targeted*** detection order ***in accordance with the applicable legal standard for evidence in criminal law.***

Or. en



2022/0155(COD)

30.5.2023

AMENDMENTS

954 - 1332

Draft report

Javier Zarzalejos

(PE746.811v01-00)

Laying down rules to prevent and combat child sexual abuse

Proposal for a regulation

(COM(2022)0209 – C9-0174/2022 – 2022/0155(COD))

AM_Com_LegReport

Amendment 954

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority ***or independent administrative authority*** shall issue the detection order where it considers that the following conditions are met:

Based on a reasoned justification, the Coordinating Authority of establishment shall request the issuance of the detection order, and the competent judicial authority shall issue the detection order where it considers that the following conditions are met:

Or. en

Amendment 955

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) ***there is evidence of a significant risk of the service being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;*** ***deleted***

Or. en

Amendment 956

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) ***there is evidence of a significant risk of the service being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;*** ***deleted***

Or. en

Amendment 957

Rob Rooker

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

(a) there is evidence of a **significant risk of** the service being used for the purpose of online child sexual abuse, **within the meaning of paragraphs 5, 6 and 7, as applicable;**

Amendment

(a) there is **clear** evidence of a **systemic risk that** the service **is** being used for the purpose of online child sexual abuse,

Or. en

Amendment 958

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

(a) there is evidence **of a significant risk of** the service being used for the purpose of **online** child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;

Amendment

(a) there is evidence **amounting to a reasonable suspicion** of the service being used for the purpose of **disseminating or receiving** child sexual abuse **material by one or more users**, within the meaning of paragraphs 5, 6 and 7, as applicable;

Or. en

Amendment 959

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

(a) there is evidence **of a significant risk of the service** being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;

Amendment

(a) there is **substantive** evidence **demonstrating a reasonable suspicion that individual accounts or groups of accounts are** being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;

Or. en

Amendment 960

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) there is evidence ***of a significant risk of the service*** being used for the purpose of ***online*** child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;

(a) there is ***substantive*** evidence ***amounting to reasonable suspicion that individual accounts or groups of accounts are*** being used for the purpose of child sexual abuse ***online***, within the meaning of paragraphs 5, 6 and 7, as applicable;

Or. en

Amendment 961

Charlie Weimers, Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) there is evidence ***of a significant risk*** of the service being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;

(a) there is evidence of the service being used for the purpose of online child sexual abuse, within the meaning of paragraphs 5, 6 and 7, as applicable;

Or. en

Amendment 962

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) ***the actual or potential implications for the rights and legitimate interests of all parties concerned, including the possible failure of the measures to respect the fundamental rights enshrined in the Charter;***

Amendment 963

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) *the reasons for issuing the detection order outweigh negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties.* **deleted**

Or. en

Amendment 964

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) *the reasons for issuing the detection order outweigh negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties.* **deleted**

Or. en

Amendment 965

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) *the reasons for* issuing the detection order *outweigh* negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a

(b) issuing the detection order *is necessary and proportionate and outweighs* negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the

fair balance between the fundamental rights of those parties.

need to ensure a fair balance between the fundamental rights of those parties.

Or. en

Amendment 966

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the reasons for issuing the detection **order** outweigh negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties.

(b) the reasons for issuing the detection **warrant** outweigh negative consequences for the rights and legitimate interests of all parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties.

Or. en

Amendment 967

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the provider has failed to take all reasonable and proportionate mitigation measures within the meaning of Article 4 to prevent and minimise the risk of the service being used for the purpose of online child sexual abuse;

Or. en

Amendment 968

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) The detection warrant does not affect the security and confidentiality of communications on a general scale.

Or. en

Amendment 969

Rob Rooker

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) The detection order does not affect the security and confidentiality of communications on a general scale;

Or. en

Amendment 970

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) The technology used to protect the communication, such as any kind of encryption, shall not be affected or undermined by the detection warrant.

Or. en

Amendment 971

Rob Rooker

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) The technology used to protect the communication, such as any kind of encryption, shall not be affected or undermined by the detection order;

Or. en

Amendment 972

Rob Rooker

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point b c (new)

Text proposed by the Commission

Amendment

(bc) All measures outlined in articles 3, 4 and 5 have been exhausted.

Or. en

Justification

The goal of this amendment is to make sure that the process of issuing a detection order is subject to appropriate and actionable safeguards and does not put users' communication or providers' technologies at risks. In particular, an order shall only be issued if it does not impact the security and confidentiality of communications.

Amendment 973

Rob Rooker

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 1 – point b d (new)

Text proposed by the Commission

Amendment

(bd) Nothing in the order can be construed as requiring or encouraging the provider to weaken, break, circumvent or otherwise undermine or limit the encryption, security, or other means of protecting the confidentiality of communications, of the platform or service of the provider.

Or. en

Amendment 974

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

When assessing whether the conditions of the first subparagraph have been met, account shall be taken of all relevant facts and circumstances of the case at hand, in particular:

(a) the risk assessment conducted or

deleted

updated and any mitigation measures taken by the provider pursuant to Articles 3 and 4, including any mitigation measures introduced, reviewed, discontinued or expanded pursuant to Article 5(4) where applicable;

(b) any additional information obtained pursuant to paragraph 2 or any other relevant information available to it, in particular regarding the use, design and operation of the service, regarding the provider's financial and technological capabilities and size and regarding the potential consequences of the measures to be taken to execute the detection order for all other parties affected;

(c) the views and the implementation plan of the provider submitted in accordance with paragraph 3;

(d) the opinions of the EU Centre and of the data protection authority submitted in accordance with paragraph 3.

Or. en

Amendment 975

**Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 2**

Text proposed by the Commission

Amendment

When assessing whether the conditions of the first subparagraph have been met, account shall be taken of all relevant facts and circumstances of the case at hand, in particular:

deleted

(a) the risk assessment conducted or updated and any mitigation measures taken by the provider pursuant to Articles 3 and 4, including any mitigation measures introduced, reviewed, discontinued or expanded pursuant to Article 5(4) where applicable;

(b) any additional information obtained pursuant to paragraph 2 or any other relevant information available to it, in

particular regarding the use, design and operation of the service, regarding the provider's financial and technological capabilities and size and regarding the potential consequences of the measures to be taken to execute the detection order for all other parties affected;

(c) the views and the implementation plan of the provider submitted in accordance with paragraph 3;

(d) the opinions of the EU Centre and of the data protection authority submitted in accordance with paragraph 3.

Or. en

Amendment 976

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

When assessing whether the conditions of the first subparagraph have been met, account shall be taken of all relevant facts and circumstances of the case at hand, in particular:

deleted

(a) the risk assessment conducted or updated and any mitigation measures taken by the provider pursuant to Articles 3 and 4, including any mitigation measures introduced, reviewed, discontinued or expanded pursuant to Article 5(4) where applicable;

(b) any additional information obtained pursuant to paragraph 2 or any other relevant information available to it, in particular regarding the use, design and operation of the service, regarding the provider's financial and technological capabilities and size and regarding the potential consequences of the measures to be taken to execute the detection order for all other parties affected;

(c) the views and the implementation plan of the provider submitted in accordance

with paragraph 3;

(d) the opinions of the EU Centre and of the data protection authority submitted in accordance with paragraph 3.

Or. en

Amendment 977

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point -a (new)

Text proposed by the Commission

Amendment

(-a) the availability of information to adequately describe the specific purpose and scope of the order, including the legal basis for the suspicion;

Or. en

Amendment 978

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) the risk assessment conducted or updated and any mitigation measures taken by the provider pursuant to Articles 3 and 4, including any mitigation measures introduced, reviewed, discontinued or expanded pursuant to Article 5(4) where applicable;

deleted

Or. en

Amendment 979

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) whether or not the prosecution or judge would have sufficient information to issue the warrant with instructions describing the specific purpose and scope regarding the envisaged technologies to execute the warrant, including the basis upon which the individuals concerned are suspects within the meaning of Union or national law;

Or. en

Amendment 980

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) any additional information obtained pursuant to paragraph 2 or any other relevant information available to it, in particular regarding the use, design and operation of the service, regarding the provider's financial and technological capabilities and size and regarding the potential consequences of the measures to be taken to execute the detection order for all other parties affected;

deleted

Or. en

Amendment 981

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) any additional information obtained pursuant to paragraph 2 or any other relevant information available to it, in particular regarding the use, design and operation of the service, regarding the provider's financial and technological

(b) any additional information obtained pursuant to paragraph 2 or any other relevant information available to it, in particular regarding the use, design and operation of the service, regarding the provider's financial and technological

capabilities and size and regarding the potential consequences of the measures to be taken to execute the detection **order** for all other parties affected;

capabilities and size and regarding the potential consequences of the measures to be taken to execute the detection **warrant** for all other parties affected;

Or. en

Amendment 982

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) *the views and the implementation plan of the provider submitted in accordance with paragraph 3;* *deleted*

Or. en

Amendment 983

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) *the views and the implementation plan of the provider submitted in accordance with paragraph 3;* *deleted*

Or. en

Amendment 984

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) the views and the implementation plan of the provider submitted in accordance with paragraph 3;

(c) the views, ***including on the technical feasibility***, and the implementation plan of the provider submitted in accordance with paragraph 3;

Amendment 985

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) *the opinions of the EU Centre and of the data protection authority submitted in accordance with paragraph 3.* *deleted*

Amendment 986

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) the opinions *of the EU Centre and* of the data protection authority submitted in accordance with paragraph 3.

(d) the opinions of the data protection authority submitted in accordance with paragraph 3 *and, where applicable, the opinion of the Coordinating Authority issued in accordance with Article 5, paragraph 4b.*

Amendment 987

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) the *opinions of the EU Centre and* of the data protection authority submitted in accordance with paragraph 3.

(d) the *opinion* of the data protection authority submitted in accordance with paragraph 3.

Amendment 988

Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Amendment

*As regards the second subparagraph,
point (d), where that Coordinating
Authority substantially deviates from the
opinion of the EU Centre, it shall inform
the EU Centre and the Commission
thereof, specifying the points at which it
deviated and the main reasons for the
deviation.*

deleted

Or. en

Amendment 989
Cristian Terheş
Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Amendment

*As regards the second subparagraph,
point (d), where that Coordinating
Authority substantially deviates from the
opinion of the EU Centre, it shall inform
the EU Centre and the Commission
thereof, specifying the points at which it
deviated and the main reasons for the
deviation.*

deleted

Or. en

Amendment 990
Tiemo Wölken, René Repasi
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Amendment

As regards the second subparagraph, point
(d), where that Coordinating Authority

As regards the second subparagraph, point
(d), where that Coordinating Authority

substantially deviates from the opinion of the **EU Centre**, it shall inform the **EU Centre and the Commission** thereof, specifying the points at which it deviated and the main reasons for the deviation.

substantially deviates from the opinion of the **the data protection authority**, it shall inform the **data protection authority** thereof, specifying the points at which it deviated and the main reasons for the deviation.

Or. en

Amendment 991
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 3

Text proposed by the Commission

As regards the second subparagraph, point (d), where that Coordinating Authority substantially deviates from the opinion of the **EU Centre**, it shall inform the **EU Centre** and the Commission thereof, specifying the points at which it deviated and the main reasons for the deviation.

Amendment

Where that Coordinating Authority substantially deviates from the opinion of the **data protection authorities**, it shall inform the **data protection authorities** and the Commission thereof, specifying the points at which it deviated and the main reasons for the deviation.

Or. en

Amendment 992
Cristian Terheş
Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission

5. As regards detection orders concerning the dissemination of known child sexual abuse material, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met:

(a) it is likely, despite any mitigation measures that the provider may have taken or will take, that the service is used, to an appreciable extent for the dissemination of known child sexual abuse material;

(b) there is evidence of the service, or of a

Amendment

deleted

comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent for the dissemination of known child sexual abuse material.

Or. en

Amendment 993

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 5

Text proposed by the Commission

Amendment

5. *As regards detection orders concerning the dissemination of known child sexual abuse material, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met:* **deleted**

(a) it is likely, despite any mitigation measures that the provider may have taken or will take, that the service is used, to an appreciable extent for the dissemination of known child sexual abuse material;

(b) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent for the dissemination of known child sexual abuse material.

Or. en

Amendment 994

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission

Amendment

5. *As regards detection orders concerning the dissemination of known child sexual abuse material, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met:* *deleted*

(a) it is likely, despite any mitigation measures that the provider may have taken or will take, that the service is used, to an appreciable extent for the dissemination of known child sexual abuse material;

(b) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent for the dissemination of known child sexual abuse material.

Or. en

Amendment 995
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission

Amendment

5. *As regards detection orders concerning the dissemination of known child sexual abuse material, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met:* *deleted*

(a) it is likely, despite any mitigation measures that the provider may have taken or will take, that the service is used, to an appreciable extent for the dissemination of known child sexual

abuse material;

(b) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent for the dissemination of known child sexual abuse material.

Or. en

Amendment 996

Rob Rooker

Proposal for a regulation

Article 7 – paragraph 5

Text proposed by the Commission

Amendment

5. *As regards detection orders concerning the dissemination of known child sexual abuse material, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met:* *deleted*

(a) it is likely, despite any mitigation measures that the provider may have taken or will take, that the service is used, to an appreciable extent for the dissemination of known child sexual abuse material;

(b) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent for the dissemination of known child sexual abuse material.

Or. en

Amendment 997

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 7 – paragraph 5

Text proposed by the Commission

Amendment

5. *As regards detection orders* **deleted**
concerning the dissemination of known
child sexual abuse material, the
significant risk referred to in paragraph
4, first subparagraph, point (a), shall be
deemed to exist where the following
conditions are met:

(a) it is likely, despite any mitigation
measures that the provider may have
taken or will take, that the service is used,
to an appreciable extent for the
dissemination of known child sexual
abuse material;

(b) there is evidence of the service, or of a
comparable service if the service has not
yet been offered in the Union at the date
of the request for the issuance of the
detection order, having been used in the
past 12 months and to an appreciable
extent for the dissemination of known
child sexual abuse material.

Or. en

Amendment 998

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 5 – point a

Text proposed by the Commission

Amendment

(a) it is likely, despite any mitigation **deleted**
measures that the provider may have
taken or will take, that the service is used,
to an appreciable extent for the
dissemination of known child sexual
abuse material;

Or. en

Amendment 999

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 5 – point b

Text proposed by the Commission

Amendment

(b) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent for the dissemination of known child sexual abuse material. **deleted**

Or. en

Amendment 1000

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 7 – paragraph 6

Text proposed by the Commission

Amendment

6. As regards detection orders concerning the dissemination of new child sexual abuse material, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met: **deleted**

(a) it is likely that, despite any mitigation measures that the provider may have taken or will take, the service is used, to an appreciable extent, for the dissemination of new child sexual abuse material;

(b) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent, for the dissemination of new child sexual abuse material;

(c) for services other than those enabling the live transmission of pornographic performances as defined in Article 2, point (e), of Directive 2011/93/EU:

(1) a detection order concerning the dissemination of known child sexual

abuse material has been issued in respect of the service;

(2) the provider submitted a significant number of reports concerning known child sexual abuse material, detected through the measures taken to execute the detection order referred to in point (1), pursuant to Article 12.

Or. en

Amendment 1001

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 6

Text proposed by the Commission

Amendment

6. As regards detection orders concerning the dissemination of new child sexual abuse material, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met: *deleted*

(a) it is likely that, despite any mitigation measures that the provider may have taken or will take, the service is used, to an appreciable extent, for the dissemination of new child sexual abuse material;

(b) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent, for the dissemination of new child sexual abuse material;

(c) for services other than those enabling the live transmission of pornographic performances as defined in Article 2, point (e), of Directive 2011/93/EU:

(1) a detection order concerning the dissemination of known child sexual abuse material has been issued in respect of the service;

(2) the provider submitted a significant number of reports concerning known child sexual abuse material, detected through the measures taken to execute the detection order referred to in point (1), pursuant to Article 12.

Or. en

Amendment 1002

Rob Rooken

Proposal for a regulation

Article 7 – paragraph 6

Text proposed by the Commission

Amendment

6. As regards detection orders concerning the dissemination of new child sexual abuse material, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met: *deleted*

(a) it is likely that, despite any mitigation measures that the provider may have taken or will take, the service is used, to an appreciable extent, for the dissemination of new child sexual abuse material;

(b) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent, for the dissemination of new child sexual abuse material;

(c) for services other than those enabling the live transmission of pornographic performances as defined in Article 2, point (e), of Directive 2011/93/EU:

(1) a detection order concerning the dissemination of known child sexual

abuse material has been issued in respect of the service;

(2) the provider submitted a significant number of reports concerning known child sexual abuse material, detected through the measures taken to execute the detection order referred to in point (1), pursuant to Article 12.

Or. en

Amendment 1003

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 6

Text proposed by the Commission

Amendment

6. As regards detection orders concerning the dissemination of new child sexual abuse material, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met: *deleted*

(a) it is likely that, despite any mitigation measures that the provider may have taken or will take, the service is used, to an appreciable extent, for the dissemination of new child sexual abuse material;

(b) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent, for the dissemination of new child sexual abuse material;

(c) for services other than those enabling the live transmission of pornographic performances as defined in Article 2, point (e), of Directive 2011/93/EU:

(1) a detection order concerning the dissemination of known child sexual abuse material has been issued in respect

of the service;

(2) the provider submitted a significant number of reports concerning known child sexual abuse material, detected through the measures taken to execute the detection order referred to in point (1), pursuant to Article 12.

Or. en

Amendment 1004

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 7 – paragraph 6

Text proposed by the Commission

Amendment

6. As regards detection orders concerning the dissemination of new child sexual abuse material, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met: *deleted*

(a) it is likely that, despite any mitigation measures that the provider may have taken or will take, the service is used, to an appreciable extent, for the dissemination of new child sexual abuse material;

(b) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent, for the dissemination of new child sexual abuse material;

(c) for services other than those enabling the live transmission of pornographic performances as defined in Article 2, point (e), of Directive 2011/93/EU:

(1) a detection order concerning the dissemination of known child sexual abuse material has been issued in respect of the service;

(2) the provider submitted a significant number of reports concerning known child sexual abuse material, detected through the measures taken to execute the detection order referred to in point (1), pursuant to Article 12.

Or. en

Amendment 1005
Cristian Terheş
Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission

Amendment

6. As regards detection orders concerning the dissemination of new child sexual abuse material, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met: **deleted**

(a) it is likely that, despite any mitigation measures that the provider may have taken or will take, the service is used, to an appreciable extent, for the dissemination of new child sexual abuse material;

(b) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent, for the dissemination of new child sexual abuse material;

(c) for services other than those enabling the live transmission of pornographic performances as defined in Article 2, point (e), of Directive 2011/93/EU:

(1) a detection order concerning the dissemination of known child sexual abuse material has been issued in respect of the service;

(2) the provider submitted a significant number of reports concerning known

child sexual abuse material, detected through the measures taken to execute the detection order referred to in point (1), pursuant to Article 12.

Or. en

Amendment 1006
Cristian Terheş
Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission

Amendment

7. As regards detection orders concerning the solicitation of children, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met: *deleted*

(a) the provider qualifies as a provider of interpersonal communication services;

(b) it is likely that, despite any mitigation measures that the provider may have taken or will take, the service is used, to an appreciable extent, for the solicitation of children;

(c) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent, for the solicitation of children.

The detection orders concerning the solicitation of children shall apply only to interpersonal communications where one of the users is a child user.

Or. en

Amendment 1007
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission

Amendment

7. *As regards detection orders concerning the solicitation of children, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met:* **deleted**

(a) the provider qualifies as a provider of interpersonal communication services;

(b) it is likely that, despite any mitigation measures that the provider may have taken or will take, the service is used, to an appreciable extent, for the solicitation of children;

(c) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent, for the solicitation of children.

The detection orders concerning the solicitation of children shall apply only to interpersonal communications where one of the users is a child user.

Or. en

Amendment 1008

Rob Rooker

Proposal for a regulation

Article 7 – paragraph 7

Text proposed by the Commission

Amendment

7. *As regards detection orders concerning the solicitation of children, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met:* **deleted**

(a) the provider qualifies as a provider of interpersonal communication services;

(b) it is likely that, despite any mitigation measures that the provider may have

taken or will take, the service is used, to an appreciable extent, for the solicitation of children;

(c) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent, for the solicitation of children.

The detection orders concerning the solicitation of children shall apply only to interpersonal communications where one of the users is a child user.

Or. en

Amendment 1009
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission

Amendment

7. *As regards detection orders concerning the solicitation of children, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met:* *deleted*

(a) the provider qualifies as a provider of interpersonal communication services;

(b) it is likely that, despite any mitigation measures that the provider may have taken or will take, the service is used, to an appreciable extent, for the solicitation of children;

(c) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent, for the solicitation of children.

The detection orders concerning the solicitation of children shall apply only to

interpersonal communications where one of the users is a child user.

Or. en

Amendment 1010

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Amendment

As regards detection orders concerning the solicitation of children, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met:

deleted

(a) the provider qualifies as a provider of interpersonal communication services;

(b) it is likely that, despite any mitigation measures that the provider may have taken or will take, the service is used, to an appreciable extent, for the solicitation of children;

(c) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent, for the solicitation of children.

Or. en

Amendment 1011

Charlie Weimers, Cristian Terheş, Rob Rooker

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Amendment

As regards detection orders concerning the solicitation of children, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions

deleted

are met:

(a) the provider qualifies as a provider of interpersonal communication services;

(b) it is likely that, despite any mitigation measures that the provider may have taken or will take, the service is used, to an appreciable extent, for the solicitation of children;

(c) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent, for the solicitation of children.

Or. en

Justification

Implementing the Commission's proposed text would constitute a broad based invasion of privacy and require AI technology that currently is not available.

Amendment 1012

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Amendment

As regards detection orders concerning the solicitation of children, the significant risk referred to in paragraph 4, first subparagraph, point (a), shall be deemed to exist where the following conditions are met:

deleted

(a) the provider qualifies as a provider of interpersonal communication services;

(b) it is likely that, despite any mitigation measures that the provider may have taken or will take, the service is used, to an appreciable extent, for the solicitation

of children;

(c) there is evidence of the service, or of a comparable service if the service has not yet been offered in the Union at the date of the request for the issuance of the detection order, having been used in the past 12 months and to an appreciable extent, for the solicitation of children.

Or. en

Amendment 1013

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

The detection orders concerning the solicitation of children shall apply only to interpersonal communications where one of the users is a child user.

deleted

Or. en

Amendment 1014

Annalisa Tardino

Proposal for a regulation

Article 7 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

The detection orders concerning the solicitation of children shall apply only to interpersonal communications where one of the users is a child user.

The detection orders concerning the solicitation of children shall apply only to interpersonal communications where one of the users is a child user *and the other one an adult.*

Or. en

Amendment 1015

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 8

Text proposed by the Commission

Amendment

8. The Coordinating Authority of establishment when requesting the

deleted

issuance of detection orders, and the competent judicial or independent administrative authority when issuing the detection order, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary to effectively address the significant risk referred to in point (a) thereof.

To that aim, they shall take into account all relevant parameters, including the availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of errors regarding the detection and their suitability and effectiveness for achieving the objectives of this Regulation, as well as the impact of the measures on the rights of the users affected, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures.

In particular, they shall ensure that:

(a) where that risk is limited to an identifiable part or component of a service, the required measures are only applied in respect of that part or component;

(b) where necessary, in particular to limit such negative consequences, effective and proportionate safeguards additional to those listed in Article 10(4), (5) and (6) are provided for;

(c) subject to paragraph 9, the period of application remains limited to what is strictly necessary.

Or. en

Amendment 1016
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 7 – paragraph 8

Text proposed by the Commission

Amendment

8. *The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial or independent administrative authority when issuing the detection order, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary to effectively address the significant risk referred to in point (a) thereof.* *deleted*

To that aim, they shall take into account all relevant parameters, including the availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of errors regarding the detection and their suitability and effectiveness for achieving the objectives of this Regulation, as well as the impact of the measures on the rights of the users affected, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures.

In particular, they shall ensure that:

(a) where that risk is limited to an identifiable part or component of a service, the required measures are only applied in respect of that part or component;

(b) where necessary, in particular to limit such negative consequences, effective and proportionate safeguards additional to those listed in Article 10(4), (5) and (6) are provided for;

(c) subject to paragraph 9, the period of application remains limited to what is strictly necessary.

Or. en

Amendment 1017

Sara Skyttedal, David Lega, Andrey Kovatchev, Tomáš Zdechovský, Stefan Berger, Christian Doleschal, Helmut Geuking, Ivan Štefanec, Peter Pollák, Johan Nissinen, Tomas Tobé, Jessica Polfjård, Jörgen Warborn, Arba Kokalari, Karen Melchior

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial or independent administrative authority when issuing the detection order, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, **first subparagraph, point (b)**, remain limited to what is strictly necessary to effectively address the significant risk referred to in point (a) thereof.

Amendment

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial or independent administrative authority when issuing the detection order, shall, ***in accordance with Article 8 of Regulation (EU) 2022/2065***, target and specify it in such a manner that the negative consequences referred to in paragraph 2 remain limited to what is strictly necessary, ***justifiable and proportionate*** to effectively address the significant risk referred to in point (a) thereof, ***and limit the detection order to an identifiable part or component of a service, such as a specific channel of communication or a specific group of users identified with particularity for which the significant risk has been identified. In accordance with Article 6a, no such detection order shall be interpreted as prohibiting, or compromising the integrity and confidentiality of, end-to-end encrypted content and communications.***

Or. en

Justification

Detection orders must be justified, proportionate, targeted and limited in time, as well as related to an identifiable part of the specific service, users or group of users, in order to limit the encroachment on fundamental rights such as the right to privacy.

Amendment 1018

Sven Simon, Christian Doleschal, Niclas Herbst, Sara Skytvedal, Jessica Polfjärd, Tomas Tobé, Arba Kokalari

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment when requesting the issuance

Amendment

The Coordinating Authority of establishment when requesting the issuance

of detection orders, and the competent judicial or *independent administrative* authority when issuing the detection order, shall target and specify it in such a manner *that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary to effectively address the significant risk referred to in point (a) thereof.*

of detection orders, and the competent judicial or authority when issuing the *targeted* detection order, shall target and specify it in such a manner *effective and proportionate with regards to the applicable standards of criminal law.*

Or. en

Amendment 1019

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial or independent administrative authority when issuing the detection order, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary to effectively address the *significant risk* referred to in point (a) thereof.

Amendment

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial or independent administrative authority when issuing the detection order, shall *in accordance with Article 8 of Regulation (EU) 2022/2065* target and specify it in such a manner that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary, *justifiable and proportionate* to effectively address the *reasonable suspicion* referred to in point (a) thereof.

Or. en

Amendment 1020

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment when requesting the issuance of detection orders, and the competent judicial *or independent administrative*

Amendment

The Coordinating Authority of establishment when requesting the *judicial validation and* issuance of detection orders, and the competent judicial authority

authority when issuing the detection order, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary to effectively *address the significant risk referred to in point (a) thereof*.

when issuing the detection order, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary *and proportionate to obtain the information required to effectively investigate the case, and collect the information required to assess the existence of a criminal offence*.

Or. en

Amendment 1021

Charlie Weimers, Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment when requesting the issuance of detection orders, and *the competent judicial or independent administrative authority* when issuing the detection order, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary to effectively address the significant risk referred to in point (a) thereof.

Amendment

The Coordinating Authority of establishment when requesting the issuance of detection orders, and *a court of law* when issuing the detection order, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary to effectively address the significant risk referred to in point (a) thereof.

Or. en

Justification

Clarifies that a court of law of a Member State issues the detection order.

Amendment 1022

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Amendment

The Coordinating Authority of establishment when requesting the issuance of detection **orders**, and the competent judicial **or independent administrative authority** when issuing the detection **order**, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary to effectively address the **significant risk** referred to in point (a) thereof.

The Coordinating Authority of establishment when requesting the issuance of detection **warrant**, and the competent judicial when issuing the detection **warrant**, shall target and specify it in such a manner that the negative consequences referred to in paragraph 4, first subparagraph, point (b), remain limited to what is strictly necessary to effectively address the **reasonable suspicion** referred to in point (a) thereof.

Or. en

Amendment 1023

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 2

Text proposed by the Commission

To that aim, they shall take into account all relevant parameters, including the availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of errors regarding the detection **and their** suitability and effectiveness for achieving the objectives of this Regulation, **as well as** the impact of the measures on the rights of the users affected, **and require the taking of** the least intrusive measures, in accordance with Article 10, from among several equally effective measures.

Amendment

To that aim, they shall take into account all relevant parameters, including:

- (i) the availability of sufficiently reliable detection technologies in that **they can be deployed without undermining the security of the service in question and** they limit to the maximum extent possible the rate of errors regarding the detection;
- (ii) **the** suitability and effectiveness **of the available technologies** for achieving the objectives of this Regulation;
- (iii) the impact of the measures on the rights of the users affected, **thereby**

*ensuring that detection orders are only requested and issued when sufficiently reliable technologies in accordance with point (i) are available and that the least intrusive measures **are chosen**, in accordance with Article 10, from among several equally effective measures.*

Or. en

Amendment 1024

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 2

Text proposed by the Commission

To that aim, they shall take into account all relevant parameters, including the availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of errors regarding the detection and their suitability and effectiveness for achieving the objectives of this Regulation, as well as the impact of the measures on the rights of the users affected, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures.

Amendment

To that aim, they shall take into account all relevant parameters, including the ***technical feasibility***, availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of errors regarding the detection and their suitability and effectiveness for achieving the objectives of this Regulation, ***in particular the risk of inaccurately identifying lawful speech as illegal content***, as well as the impact of the measures on the rights of the users affected ***and on the security, integrity and confidentiality of their communications***, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures. ***To this end, they shall ensure technologies are able to distinguish between known child abuse material and lawful speech accurately enough that no human intervention is needed.***

Or. en

Amendment 1025

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Hélène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 2

Text proposed by the Commission

To that aim, they shall take into account all relevant parameters, including the availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of errors regarding the detection ***and their*** suitability and effectiveness for achieving the objectives of this Regulation, ***as well as*** the impact of the measures on the rights of the users affected, ***and require the taking of*** the least intrusive measures, in accordance with Article 10, from among several equally effective measures.

Amendment

To that aim, they shall take into account all relevant parameters, including:

(i) the availability of sufficiently reliable detection technologies in that they can be deployed without undermining the security of the service in question and they limit to the maximum extent possible the rate of errors regarding the detection;

(ii) the suitability and effectiveness of the available technologies for achieving the objectives of this Regulation;

(iii) the impact of the measures on the rights of the users affected, thereby ensuring that detection orders are only requested and issued when sufficiently reliable technologies in accordance with point (i) are available and that the least intrusive measures are chosen, in accordance with Article 10, from among several equally effective measures.

Or. en

Amendment 1026

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 2

Text proposed by the Commission

To that aim, they shall take into account all

Amendment

To that aim, they shall take into account all

relevant parameters, including the availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of errors regarding the detection and their suitability and effectiveness for achieving the objectives of this Regulation, as well as the impact of the measures on the rights of the users affected, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures.

relevant parameters, including the ***technical feasibility***, availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of errors regarding the detection and their suitability and effectiveness for achieving the objectives of this Regulation, ***including their likelihood to inaccurately detect lawful speech as illegal content***, as well as the impact of the measures on the rights of the users affected ***and on the security, integrity and confidentiality of their communications***, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures.

Or. en

Amendment 1027

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 2

Text proposed by the Commission

To that ***aim***, they shall take into account all relevant parameters, including the availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of errors regarding the detection and their suitability and effectiveness for achieving the objectives of this Regulation, as well as the impact of the measures on the rights of the users affected, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures.

Amendment

To that ***end***, they shall take into account all relevant parameters, including the availability of sufficiently reliable detection technologies in that they limit to the maximum extent possible the rate of errors regarding the detection and their suitability and effectiveness for achieving the objectives of this Regulation, ***including their likelihood to inaccurately detect lawful speech as illegal content***, as well as the impact of the measures on the rights of the users affected, and require the taking of the least intrusive measures, in accordance with Article 10, from among several equally effective measures. ***Methods used to detect child sexual abuse material shall be able to distinguish between lawful and unlawful content without the need for any independent human assessment.***

Amendment 1028

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3

Text proposed by the Commission

Amendment

In particular, they shall ensure that:

deleted

(a) where that risk is limited to an identifiable part or component of a service, the required measures are only applied in respect of that part or component;

(b) where necessary, in particular to limit such negative consequences, effective and proportionate safeguards additional to those listed in Article 10(4), (5) and (6) are provided for;

(c) subject to paragraph 9, the period of application remains limited to what is strictly necessary.

Amendment 1029

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3

Text proposed by the Commission

Amendment

In particular, they shall ensure that:

deleted

(a) where that risk is limited to an identifiable part or component of a service, the required measures are only applied in respect of that part or component;

(b) where necessary, in particular to limit such negative consequences, effective and proportionate safeguards additional to those listed in Article 10(4), (5) and (6)

are provided for;

(c) subject to paragraph 9, the period of application remains limited to what is strictly necessary.

Or. en

Amendment 1030

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3 – point a

Text proposed by the Commission

Amendment

(a) where that risk is limited to an identifiable part or component of a service, the required measures are only applied in respect of that part or component;

(a) where ***the information gathered in the risk assessment process indicates that*** that risk is limited to an identifiable part or component of a service ***where possible without prejudice to the effectiveness of the measure***, the required measures are only applied in respect of that part or component;

Or. en

Amendment 1031

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Hélène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3 – point a

Text proposed by the Commission

Amendment

(a) where that risk is limited to an identifiable part or component of a service, the required measures are only applied in respect of that part or component;

(a) where ***the information gathered in the risk assessment process indicates that*** risk is limited to an identifiable part or component of a service, ***where possible without prejudice to the effectiveness of the measure***, the required measures are only applied in respect of that part or component;

Or. en

Amendment 1032

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3 – point a

Text proposed by the Commission

(a) where *that risk* is limited to *an identifiable* part or component of a service, the required measures are only applied in respect of that part or component;

Amendment

(a) where *the suspicion* is limited to *a discrete* part or component of a service, the required measures are only applied in respect of *the uploads and communications of the suspects via* that part or component;

Or. en

Amendment 1033

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 8 – subparagraph 3 – point b

Text proposed by the Commission

(b) where necessary, in particular to limit such negative consequences, effective and proportionate safeguards additional to those listed in Article 10(4), *(5) and (6)* are provided for;

Amendment

(b) where necessary, in particular to limit such negative consequences, effective and proportionate safeguards additional to those listed in Article 10(4) *and (5)* are provided for;

Or. en

Amendment 1034

Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 9

Text proposed by the Commission

9. The competent judicial authority or independent administrative authority shall specify in the detection order the period during which it applies, indicating the start date and the end date.

The start date shall be set taking into account the time reasonably required for the provider to take the necessary measures to prepare the execution of the detection order. It shall not be earlier than three months from the date at which the provider received the detection order

Amendment

deleted

and not be later than 12 months from that date.

The period of application of detection orders concerning the dissemination of known or new child sexual abuse material shall not exceed 24 months and that of detection orders concerning the solicitation of children shall not exceed 12 months.

Or. en

Amendment 1035

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 1

Text proposed by the Commission

The competent judicial authority or independent administrative authority shall specify in the detection order the period during which it applies, indicating the start date and the end date.

Amendment

The competent judicial authority or independent administrative authority shall specify in the detection order the period during which it applies, indicating the start date and the end date, ***within which the providers of hosting services and providers of interpersonal communications services shall prove that their service is no longer misused for child sexual abuse and their specific service provided no longer poses a risk for child sexual abuse;***

Or. en

Amendment 1036

Charlie Weimers, Cristian Terheş

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 1

Text proposed by the Commission

The competent judicial authority or independent administrative authority shall specify in the detection order the period during which it applies, indicating the start date and the end date.

Amendment

A court of law shall specify in the detection order the period during which it applies, indicating the start date and the end date.

Or. en

Justification

Clarifies that only a court of law of a Member State shall issue detection orders.

Amendment 1037

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 1

Text proposed by the Commission

The competent judicial authority or independent administrative authority shall specify in the detection order the period during which it applies, indicating the start date and the end date.

Amendment

The competent judicial authority or independent administrative authority shall specify in the **targeted** detection order the period during which it applies, indicating the start date and the end date.

Or. en

Amendment 1038

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 1

Text proposed by the Commission

The competent judicial **authority or independent administrative** authority shall specify in the detection order the period during which it applies, indicating the start date and the end date.

Amendment

The competent judicial authority shall specify in the detection order the period during which it applies, indicating the start date and the end date.

Or. en

Amendment 1039

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 2

Text proposed by the Commission

The start date shall be set taking into account the time reasonably required for the provider to take the necessary measures to prepare the execution of the detection order. ***It shall not be earlier than three months from the date at which the***

Amendment

The start date shall be set taking into account the time reasonably required for the provider to take the necessary measures to prepare the execution of the detection order.

provider received the detection order and not be later than 12 months from that date.

Or. en

Amendment 1040

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 2

Text proposed by the Commission

The start date shall be set taking into account the time reasonably required for the provider to take the necessary measures to prepare the execution of the detection order. It shall not be earlier than three months from the date at which the provider received the detection order and not be later than 12 months from that date.

Amendment

The start date shall be set taking into account the time reasonably required for the provider to take the necessary measures to prepare the execution of the **targeted** detection order. It shall not be earlier than three months from the date at which the provider received the **targeted** detection order and not be later than 12 months from that date.

Or. en

Amendment 1041

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 2

Text proposed by the Commission

The start date shall be set taking into account the time reasonably required for the provider to take the necessary measures to prepare the execution of the detection **order**. It shall not be earlier than three months from the date at which the provider received the detection order and not be later than 12 months from that date.

Amendment

The start date shall be set taking into account the time reasonably required for the provider to take the necessary measures to prepare the execution of the detection **warrant**. It shall not be earlier than three months from the date at which the provider received the detection order and not be later than 12 months from that date.

Or. en

Amendment 1042

Patrick Breyer

on behalf of the Verts/ALE Group
Proposal for a regulation
Article 7 – paragraph 9 – subparagraph 3

Text proposed by the Commission

The period of application of detection orders ***concerning the dissemination of known or new child sexual abuse material*** shall ***not exceed 24 months and that of detection orders concerning the solicitation of children shall not exceed 12 months.***

Amendment

The period of application of detection orders shall ***be proportionate, taking all relevant factors into account.***

Or. en

Amendment 1043
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 7 – paragraph 9 – subparagraph 3

Text proposed by the Commission

The period of application of detection ***orders*** concerning the dissemination of known ***or new*** child sexual abuse material shall not exceed ***24 months and that of detection orders concerning the solicitation of children shall not exceed 12 months.***

Amendment

The period of application of detection ***warrants*** concerning the dissemination of known child sexual abuse material shall not exceed ***6*** months.

Or. en

Amendment 1044
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 7 – paragraph 9 – subparagraph 3

Text proposed by the Commission

The period of application of detection orders concerning the dissemination of known or new child sexual abuse material shall not exceed 24 months ***and that of detection orders concerning the solicitation of children shall not exceed 12 months.***

Amendment

The period of application of ***targeted*** detection orders concerning the dissemination of known or new child sexual abuse material shall not exceed 24 months.

Or. en

Amendment 1045

Tiemo Wölken, René Repasi

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 3

Text proposed by the Commission

The period of application of detection **orders** concerning the dissemination of known **or new** child sexual abuse material shall not exceed **24 months and that of detection orders concerning the solicitation of children shall not exceed 12 months.**

Amendment

The period of application of detection **warrants** concerning the dissemination of known child sexual abuse material shall not exceed **6 months.**

Or. en

Amendment 1046

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 7 – paragraph 9 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

The European Data Protection Board shall also issue guidelines regarding the compliance with Regulation (EU) 2016/679 of existing and future technologies that are used for the detection of child sexual abuse material in encrypted and non-encrypted environments. Supervisory authorities as referred to in that Regulation shall supervise the application of those guidelines.

Prior to the use of any specific technology pursuant to this Article, a mandatory prior data protection impact assessment as referred to in Article 35 of Regulation (EU) 2016/679 and a mandatory prior consultation procedure as referred to in Article 36 of that Regulation must be conducted.

Amendment 1047
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 7 – paragraph 9 – subparagraph 3 b (new)

Text proposed by the Commission

Amendment

The competent supervisory authorities designated pursuant to Chapter VI, Section 1, of Regulation (EU) 2016/678 shall have the right to challenge a detection warrant within the competence pursuant to Chapter VI, Section 2 of Regulation (EU) 2016/678 before the courts of the Member State of the competent judicial authority that issued the detection warrant.

Or. en

Amendment 1048
Tiemo Wölken, René Repasi
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 7 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. The competent supervisory authorities designated pursuant to Chapter VI, Section 1, of Regulation (EU) 2016/678 shall have the right to challenge a detection warrant within the competence pursuant to Chapter VI, Section 2 of Regulation (EU) 2016/678 before the competent judicial authority that issued the detection warrant.

Or. en

Amendment 1049
Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Hélène Fritzon, Estrella Durá Ferrandis, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Safeguards on encrypted services

For the scope of this Regulation and for the the sole purpose to prevent and combat child sexual abuse, providers of interpersonal communications services shall be subjected to obligations to prevent, detect, report and remove online child sexual abuse on all their services, which may include as well those covered by end-to-end encryption, when there is a significant risk that their specific service is misused for online child sexual abuse, including for the purpose of the solicitation of children, pursuant to the risk assessment established in Article 3 of this Regulation.

The technologies deployed to execute the detection order pursuant to Article 7 of this Regulation shall never prohibit encryption or make it impossible and shall only be deployed after a prior authorization by the Coordinating Authority, in consultation with the competent data protection authority, and be subjected to constant monitoring and auditing by the competent data protection authority to verify their compliance with Union law.

Or. en

Amendment 1050

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Lucia Ďuriš Nicholsonová
Proposal for a regulation
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Safeguards on encrypted services

For the scope of this regulation and for the sole purpose to prevent and combat child sexual abuse, providers of interpersonal communications services shall be subjected to obligations to prevent, detect, report and remove online child sexual abuse on all their services, which may include as well those covered by end-to-end encryption, when there is a significant risk that their specific service is misused for online child sexual abuse, including for the purpose of the solicitation of children, pursuant to the risk assessment established in Article 3 of this Regulation. The technologies deployed to execute the detection order pursuant to Article 7 of this Regulation shall never prohibit or make encryption impossible and only be deployed after a prior authorization by the Coordinating Authority, in consultation with the competent data protection authority, and be subjected to constant monitoring and auditing by the competent data protection authority to verify their compliance with Union law.

Or. en

Amendment 1051
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 8

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1052
Rob Rooken
Proposal for a regulation
Article 8

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 1053
Cristian Terheş
Proposal for a regulation
Article 8

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 1054
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 8 – title

Text proposed by the Commission

Amendment

Additional rules regarding detection orders

Additional rules regarding ***targeted***
detection orders

Amendment 1055
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 8 – title

Text proposed by the Commission

Amendment

Additional rules regarding detection ***orders***

Additional rules regarding detection
warrants

Amendment 1056
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 8 – title

Text proposed by the Commission

Amendment

Additional rules regarding detection ***orders***

Additional rules regarding detection

Amendment 1057
Cristian Terheş
Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. The competent judicial authority or independent administrative authority shall issue the detection orders referred to in Article 7 using the template set out in Annex I. Detection orders shall include: **deleted**

(a) information regarding the measures to be taken to execute the detection order, including the indicators to be used and the safeguards to be provided for, including the reporting requirements set pursuant to Article 9(3) and, where applicable, any additional safeguards as referred to in Article 7(8);

(b) identification details of the competent judicial authority or the independent administrative authority issuing the detection order and authentication of the detection order by that judicial or independent administrative authority;

(c) the name of the provider and, where applicable, its legal representative;

(d) the specific service in respect of which the detection order is issued and, where applicable, the part or component of the service affected as referred to in Article 7(8);

(e) whether the detection order issued concerns the dissemination of known or new child sexual abuse material or the solicitation of children;

(f) the start date and the end date of the detection order;

(g) a sufficiently detailed statement of reasons explaining why the detection

order is issued;

(h) a reference to this Regulation as the legal basis for the detection order;

(i) the date, time stamp and electronic signature of the judicial or independent administrative authority issuing the detection order;

(j) easily understandable information about the redress available to the addressee of the detection order, including information about redress to a court and about the time periods applicable to such redress.

Or. en

Amendment 1058

Charlie Weimers, Cristian Terheş

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. ***The competent judicial authority or independent administrative authority*** shall issue the detection orders referred to in Article 7 using the template set out in Annex I. Detection orders shall include:

1. ***A court of law*** shall issue the detection orders referred to in Article 7 using the template set out in Annex I. Detection orders shall include:

Or. en

Justification

Clarifies that only a court of law of a Member State shall issue detection orders.

Amendment 1059

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The competent judicial ***authority or independent administrative*** authority shall issue the detection orders referred to in Article 7 ***using the template set out in Annex I***. Detection orders shall include:

1. The competent judicial authority shall issue the detection orders referred to in Article 7. ***Targeted*** detection orders shall include ***at minimum***:

Amendment 1060

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. The competent judicial **authority or independent administrative** authority shall issue the detection **orders** referred to in Article 7 using the template set out in Annex I. Detection **orders** shall include:

Amendment

1. The competent judicial authority shall issue the detection **warrants** referred to in Article 7 using the template set out in Annex I. Detection **warrants** shall include:

Or. en

Amendment 1061

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. The competent judicial **authority or independent administrative** authority shall issue the detection **orders** referred to in Article 7 using the template set out in Annex I. Detection **orders** shall include:

Amendment

1. The competent judicial authority shall issue the detection **warrants** referred to in Article 7 using the template set out in Annex I. Detection **warrants** shall include:

Or. en

Justification

This amendment should be interpreted as changing the wording "detection orders" throughout this Article and throughout this Regulation to "detection warrants". Detection warrants target specific devices or specific user accounts of an individual suspect against which there is a reasonable suspicion of possessing "known child sexual abuse material". Those warrants can only be issued by competent judicial authorities.

Amendment 1062

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. The competent judicial authority ***or independent administrative*** authority shall issue the detection orders referred to in Article 7 using the template set out in Annex I. Detection orders shall include:

Amendment

1. The competent judicial authority shall issue the detection orders referred to in Article 7 using the template set out in Annex I. Detection orders shall include:

Or. en

Amendment 1063

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. The competent judicial authority ***or independent administrative authority*** shall issue the detection orders referred to in Article 7 using the template set out in Annex I. Detection orders shall include:

Amendment

1. The competent judicial authority shall issue the ***targeted*** detection orders referred to in Article 7 using the template set out in Annex I. ***Targeted*** detection orders shall include:

Or. en

Amendment 1064

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 1 – point a

Text proposed by the Commission

(a) information regarding the measures to be taken to execute the detection order, including the indicators to be used and the safeguards to be provided for, including the reporting requirements set pursuant to Article 9(3) and, where applicable, any additional safeguards as referred to in Article 7(8);

Amendment

(a) information regarding the ***specific*** measures to be taken to execute the detection order, including the ***specific person or specific persons the detection must concern, the temporal scope,*** indicators to be used and the safeguards to be provided for, including the reporting requirements set pursuant to Article 9(3) and, where applicable, any additional safeguards as referred to in Article 7(8);

Or. en

Amendment 1065

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation
Article 8 – paragraph 1 – point a

Text proposed by the Commission

(a) information regarding the measures to be taken to execute the detection order, including the indicators to be used and the safeguards to be provided for, including the reporting requirements set pursuant to Article 9(3) ***and, where applicable, any additional safeguards as referred to in Article 7(8);***

Amendment

(a) information regarding the measures to be taken to execute the detection order, including the indicators to be used and the safeguards to be provided for, including the reporting requirements set pursuant to Article 9(3);

Or. en

Amendment 1066
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 8 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) information, with respect to each device or user account, detailing the specific purpose and scope of the warrant, including the legal basis for the reasonable suspicion.

Or. en

Amendment 1067
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 8 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) identification details of the competent judicial ***authority or the independent administrative*** authority issuing the detection order and authentication of the detection order by that judicial ***or independent administrative*** authority;

(b) identification details of the competent judicial authority issuing the detection order and authentication of the detection order by that judicial authority;

Or. en

Amendment 1068

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – point b

Text proposed by the Commission

(b) identification details of the competent judicial ***authority or the independent administrative*** authority issuing the detection order and authentication of the detection order by that judicial ***or independent administrative*** authority;

Amendment

(b) identification details of the competent judicial authority issuing the detection order and authentication of the ***targeted*** detection order by that judicial authority;

Or. en

Amendment 1069

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) (c) the name of the user(s) for whom a targeted detection order has been issued, insofar it is known, and digital aliases in use by the user(s).

Or. en

Amendment 1070

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the specific service in respect of which the detection order is issued and, where applicable, the part or component of the service affected as referred to in Article 7(8);

(d) the specific service in respect of which the ***targeted*** detection order is issued and, where applicable, the part or component of the service affected as referred to in Article 7(8);

Or. en

Amendment 1071

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 8 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) whether the detection order issued concerns the dissemination of known or new child sexual abuse material or the solicitation of children; **deleted**

Or. en

Amendment 1072

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 8 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) whether the detection order issued concerns the dissemination of known or new child sexual abuse material or the solicitation of children; **deleted**

Or. en

Amendment 1073

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) whether the detection order issued concerns the dissemination of known or new child sexual abuse material or the solicitation of children; **deleted**

Or. en

Amendment 1074

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) whether the detection order issued concerns the dissemination of known or new child sexual abuse material **or the solicitation of children**;

(e) whether the **targeted** detection order issued concerns the dissemination of known or new child sexual abuse material;

Or. en

Amendment 1075

Charlie Weimers, Cristian Terheş, Rob Rooker

Proposal for a regulation

Article 8 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the person or group of persons covered by the detection order and specifics of the suspicion of illegal activities;

Or. en

Amendment 1076

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) the start date and the end date of the detection order;

(f) the start date and the end date of the **targeted** detection order;

Or. en

Amendment 1077

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 8 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) a sufficiently detailed **statement of reasons** explaining why the detection order is issued;

(g) a sufficiently detailed **justification** explaining why the detection **warrant** is issued **and how it is necessary, effective and proportionate**;

Or. en

Amendment 1078
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 8 – paragraph 1 – point g

Text proposed by the Commission

(g) a sufficiently detailed statement of **reasons** explaining why the detection order is issued;

Amendment

(g) a sufficiently detailed statement of **evidence** explaining why the **targeted** detection order is issued;

Or. en

Amendment 1079
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 8 – paragraph 1 – point g

Text proposed by the Commission

(g) a **sufficiently** detailed statement of reasons explaining why the detection order is issued;

Amendment

(g) a detailed statement of reasons explaining why the detection order is issued;

Or. en

Amendment 1080
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 8 – paragraph 1 – point h

Text proposed by the Commission

(h) a reference to this Regulation as the legal basis for the detection order;

Amendment

(h) **the factual and legal grounds justifying the issuing of the order, and** a reference to this Regulation as the legal basis for the detection order;

Or. en

Amendment 1081
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 8 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) a reference to this Regulation as the legal basis for the detection order;

(h) a reference to this Regulation as the legal basis for the **targeted** detection order;

Or. en

Amendment 1082

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) the date, time stamp and electronic signature of the judicial **or independent administrative** authority issuing the detection order;

(i) the date, time stamp and electronic signature of the judicial authority issuing the detection order;

Or. en

Amendment 1083

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) the date, time stamp and electronic signature of the judicial **or independent administrative** authority issuing the detection order;

(i) the date, time stamp and electronic signature of the judicial authority issuing the **targeted** detection order;

Or. en

Amendment 1084

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) easily understandable information about the redress available to the addressee of the detection order, including information about redress to a court and about the time periods applicable to such redress.

(j) easily understandable information about the redress available to the addressee of the **targeted** detection order, including information about redress to a court and about the time periods applicable to such redress.

Or. en

Amendment 1085
Cristian Terheş
Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. *The competent judicial authority or independent administrative authority issuing the detection order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.* ***deleted***

The detection order shall be transmitted to the provider's point of contact referred to in Article 23(1), to the Coordinating Authority of establishment and to the EU Centre, through the system established in accordance with Article 39(2).

The detection order shall be drafted in the language declared by the provider pursuant to Article 23(3).

Or. en

Amendment 1086
Charlie Weimers, Cristian Terheş
Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The ***competent judicial authority or independent administrative authority*** issuing the detection order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

The ***court of law*** issuing the detection order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

Or. en

Justification

Clarifies that only a court of law of a Member State shall issue detection orders.

Amendment 1087

Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The competent judicial ***authority or independent administrative*** authority issuing the detection order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

Amendment

The competent judicial authority issuing the detection order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

Or. en

Amendment 1088
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The competent judicial authority ***or independent administrative authority*** issuing the detection order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

Amendment

The competent judicial authority issuing the ***targeted*** detection order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

Or. en

Amendment 1089
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The detection order shall be transmitted to the provider's point of contact referred to in Article 23(1), to the Coordinating Authority of establishment and to the EU Centre, through the system established in accordance with Article 39(2).

Amendment

The ***targeted*** detection order shall be transmitted to the provider's point of contact referred to in Article 23(1), to the Coordinating Authority of establishment and to the EU Centre, through the system established in accordance with Article 39(2).

Amendment 1090

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The detection order shall be transmitted to the provider's point of contact referred to in Article 23(1), to the Coordinating Authority of establishment and to the EU Centre, through the system established in accordance with Article 39(2).

Amendment

The detection order shall be ***securely*** transmitted to the provider's point of contact referred to in Article 23(1), to the Coordinating Authority of establishment and to the EU Centre, through the system established in accordance with Article 39(2).

Amendment 1091

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The detection order shall be drafted in the language declared by the provider pursuant to Article 23(3).

Amendment

The ***targeted*** detection order shall be drafted in the language declared by the provider pursuant to Article 23(3).

Amendment 1092

Cristian Terheş

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. If the provider cannot execute the detection order because it contains manifest errors or does not contain sufficient information for its execution, the provider shall, without undue delay, request the necessary clarification to the Coordinating Authority of establishment, using the template set out in Annex II.

Amendment

deleted

Amendment 1093

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. If the provider cannot execute the detection order because it contains ***manifest*** errors or does not contain sufficient information for its execution, the provider shall, without undue delay, request the necessary ***clarification*** to the Coordinating Authority of establishment, using the template set out in Annex II.

Amendment

3. If the provider cannot execute the detection order because it contains errors, ***it appears unnecessary or disproportionate***, or does not contain sufficient information for its execution, the provider shall, without undue delay, request the necessary ***corrections or clarifications*** to the Coordinating Authority of establishment, using the template set out in Annex II.

Amendment 1094

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. If the provider cannot execute the detection order because it contains manifest errors or does not contain sufficient information for its execution, the provider shall, without undue delay, request the necessary clarification to the Coordinating Authority of establishment, using the template set out in Annex ***II***.

Amendment

3. If the provider cannot execute the detection order because it contains manifest errors or does not contain sufficient information for its execution, the provider shall, without undue delay, request the necessary clarification to the Coordinating Authority of establishment, using the template set out in Annex ***I***.

Amendment 1095

Cristian Terheş

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

4. ***The Commission shall be***

Amendment

deleted

empowered to adopt delegated acts in accordance with Article 86 in order to amend Annexes I and II where necessary to improve the templates in view of relevant technological developments or practical experiences gained.

Or. en

Amendment 1096
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to amend ***Annexes I and II*** where necessary to improve the templates in view of relevant technological developments or practical experiences gained.

Amendment

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to amend ***Annex I*** where necessary to improve the templates in view of relevant technological developments or practical experiences gained.

Or. en

Amendment 1097
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Preservation of data in the context of detection orders

1. Detection orders may require the expedited preservation by the provider, insofar as the data is under their control, of one or more of the following data concerning the specific users against whom the detection order is directed, including new data generated after issuance of the order, as part of a planned or current criminal investigation;

a) Traffic data:

i) Pseudonyms, screen names or other identifiers used by the subject(s) of the investigation;

ii) Network identifiers, such as IP addresses, port numbers, or MAC addresses used by, or associated with, the subject(s) of the investigation;

iii) Any other traffic data, including metadata, of any activity linked to subject(s) of the investigation;

b) Content data:

i) Copies of any pictures or videos uploaded, downloaded or otherwise communicated by the subject(s) of the investigation;

2. Access to the data shall be made available to law enforcement authorities on the basis of the national law of the country of establishment of the provider.

3. The provider shall inform all users concerned of the order, unless the issuing authority instructs it, on the basis of a reasoned opinion, not to do so.

Or. en

Amendment 1098
Cristian Terheş
Proposal for a regulation
Article 9

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1099
Rob Rooken
Proposal for a regulation
Article 9

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 1100
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 9

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 1101
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 9 – title

Text proposed by the Commission

Amendment

Redress, information, reporting and
modification of detection orders

Redress, information, reporting and
modification of ***targeted*** detection orders

Amendment 1102
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 9 – title

Text proposed by the Commission

Amendment

9 Redress, information, reporting and
modification of detection ***orders***

9 Redress, information, reporting and
modification of detection ***warrants***

Justification

This amendment should be interpreted as changing the wording "detection orders" throughout this Regulation to "detection warrants". Detection warrants target individual suspects, can only be issued by competent judicial authorities and only concern "known child sexual abuse material".

Amendment 1103
Cristian Terheş
Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. Providers of hosting services and providers of interpersonal communications services that have received a detection order, as well as users affected by the measures taken to execute it, shall have a right to effective redress. That right shall include the right to challenge the detection order before the courts of the Member State of the competent judicial authority or independent administrative authority that issued the detection order.

deleted

Or. en

Amendment 1104

Rob Rooken

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. Providers of hosting services and providers of interpersonal communications services that have received a detection order, as well as users affected by the measures taken to execute it, shall have a right to effective redress. That right shall include the right to challenge the detection order before the courts of the Member State of the competent judicial authority or independent administrative authority that issued the detection order.

1. Providers of hosting services and providers of **number independent** interpersonal communications services that have received a detection order, as well as users affected by the measures taken to execute it, shall have a right to effective redress. That right shall include the right to challenge the detection order before the courts of the Member State of the competent judicial authority or independent administrative authority that issued the detection order.

Or. en

Amendment 1105

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. Providers of hosting services and providers of interpersonal communications services that have received a detection

1. Providers of hosting services and providers of **number-independent** interpersonal communications services that

order, as well as users affected by the measures taken to execute it, shall have a right to effective redress. That right shall include the right to challenge the detection **order** before the courts of the Member State of the competent judicial authority **or independent administrative authority** that issued the detection order.

have received a detection **warrant**, as well as users affected by the measures taken to execute it, shall have a right to **information and** effective redress. That right shall include the right to challenge the detection **warrant** before the courts of the Member State of the competent judicial authority that issued the detection order.

Or. en

Amendment 1106
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services that have received a detection order, as well as users affected by the measures taken to execute it, shall have a right to effective redress. That right shall include the right to challenge the detection order before the courts of the Member State of the competent judicial authority **or independent administrative authority** that issued the detection order.

Amendment

1. Providers of hosting services and providers of interpersonal communications services that have received a **targeted** detection order, as well as users affected by the measures taken to execute it, shall have a right to effective redress. That right shall include the right to challenge the **targeted** detection order before the courts of the Member State of the competent judicial authority that issued the detection order.

Or. en

Amendment 1107
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services that have received a detection order, as well as users affected by the measures taken to execute it, shall have a right to effective redress. That right shall include the right to challenge the detection order before the courts of the Member State of the competent judicial authority **or**

Amendment

1. Providers of hosting services and providers of **number-independent** interpersonal communications services that have received a detection order, as well as users affected by the measures taken to execute it, shall have a right to effective redress. That right shall include the right to challenge the detection order before the courts of the Member State of the

independent administrative authority that issued the detection order.

competent judicial authority that issued the detection order.

Or. en

Amendment 1108
Cristian Terheş
Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. When the detection order becomes final, the competent judicial authority or independent administrative authority that issued the detection order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

deleted

For the purpose of the first subparagraph, a detection order shall become final upon the expiry of the time period for appeal where no appeal has been lodged in accordance with national law or upon confirmation of the detection order following an appeal.

Or. en

Amendment 1109
Charlie Weimers, Cristian Terheş
Proposal for a regulation
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

When the detection order becomes final, the ***competent judicial authority or independent administrative authority*** that issued the detection order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment.

When the detection order becomes final, the ***court of law*** that issued the detection order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then,

The Coordinating Authority of establishment shall then, without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

Or. en

Justification

Clarifies that only a court of law of a Member State shall issue detection orders.

Amendment 1110

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

When the detection order becomes final, the competent judicial ***authority or independent administrative*** authority that issued the detection order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

Amendment

When the detection order becomes final, the competent judicial authority that issued the detection order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

Or. en

Amendment 1111

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

When the detection order becomes final, the competent judicial authority ***or independent administrative authority*** that issued the detection order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment.

Amendment

When the ***targeted*** detection order becomes final, the competent judicial authority that issued the ***targeted*** detection order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment. The Coordinating Authority

The Coordinating Authority of establishment shall then, without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

of establishment shall then, without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

Or. en

Amendment 1112
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

For the purpose of the first subparagraph, a detection order shall become final upon the expiry of the time period for appeal where no appeal has been lodged in accordance with national law or upon confirmation of the detection order following an appeal.

Amendment

For the purpose of the first subparagraph, a **targeted** detection order shall become final upon the expiry of the time period for appeal where no appeal has been lodged in accordance with national law or upon confirmation of the **targeted** detection order following an appeal.

Or. en

Amendment 1113
Cristian Terheş
Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

3. Where the period of application of the detection order exceeds 12 months, or six months in the case of a detection order concerning the solicitation of children, the Coordinating Authority of establishment shall require the provider to report to it on the execution of the detection order at least once, halfway through the period of application.

Those reports shall include a detailed description of the measures taken to execute the detection order, including the safeguards provided, and information on the functioning in practice of those measures, in particular on their

Amendment

deleted

effectiveness in detecting the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, and on the consequences of those measures for the rights and legitimate interests of all parties affected.

Or. en

Amendment 1114

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 9 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where the period of application of the detection order exceeds 12 months, *or six months in the case of a detection order concerning the solicitation of children*, the Coordinating Authority of establishment shall require the provider to report to it on the execution of the detection order at least once, halfway through the period of application.

Amendment

Where the period of application of the detection order exceeds 12 months, the Coordinating Authority of establishment shall require the provider to report to it on the execution of the detection order at least once, halfway through the period of application.

Or. en

Amendment 1115

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 9 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where the period of application of the detection order exceeds 12 months, *or six months in the case of a detection order concerning the solicitation of children*, the Coordinating Authority of establishment shall require the provider to report to it on the execution of the detection order at least once, halfway through the period of application.

Amendment

Where the period of application of the detection order exceeds 12 months, the Coordinating Authority of establishment shall require the provider to report to it on the execution of the detection order at least once, halfway through the period of application.

Or. en

Amendment 1116
Maria Grapini
Proposal for a regulation
Article 9 – paragraph 3 – subparagraph 1

Text proposed by the Commission

În cazul în care perioada de aplicare a ordinului de detectare depășește **12** luni sau **șase** luni în cazul unui ordin de detectare referitor la ademenirea copiilor, autoritatea de coordonare din statul membru de stabilire solicită furnizorului să îi raporteze cu privire la executarea ordinului de detectare cel puțin o dată, la jumătatea perioadei de aplicare a respectivului ordin.

Amendment

În cazul în care perioada de aplicare a ordinului de detectare depășește **6** luni sau **trei** luni în cazul unui ordin de detectare referitor la ademenirea copiilor, autoritatea de coordonare din statul membru de stabilire solicită furnizorului să îi raporteze cu privire la executarea ordinului de detectare cel puțin o dată, la jumătatea perioadei de aplicare a respectivului ordin.

Or. ro

Amendment 1117
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 9 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Those reports shall include a detailed description of the measures taken to execute the detection order, including the safeguards provided, and information on the functioning in practice of those measures, ***in particular on their effectiveness in detecting the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable***, and on the consequences of those measures for the rights and legitimate interests of all parties affected.

Amendment

Those reports shall include a detailed description of the measures taken to execute the detection order, including the safeguards provided, and information on the functioning in practice of those measures, and on the consequences of those measures for the rights and legitimate interests of all parties affected.

Or. en

Amendment 1118
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 9 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

Those reports shall include a detailed description of the measures taken to execute the detection order, including the safeguards provided, and information on the functioning in practice of those measures, in particular on their effectiveness in detecting the dissemination of known or new child sexual abuse material *or the solicitation of children*, as applicable, and on the consequences of those measures for the rights and legitimate interests of all parties affected.

Those reports shall include a detailed description of the measures taken to execute the detection order, including the safeguards provided, and information on the functioning in practice of those measures, in particular on their effectiveness in detecting the dissemination of known or new child sexual abuse material, as applicable, and on the consequences of those measures for the rights and legitimate interests of all parties affected.

Or. en

Amendment 1119
Cristian Terheş
Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. In respect of the detection orders that the competent judicial authority or independent administrative authority issued at its request, the Coordinating Authority of establishment shall, where necessary and in any event following reception of the reports referred to in paragraph 3, assess whether any substantial changes to the grounds for issuing the detection orders occurred and, in particular, whether the conditions of Article 7(4) continue to be met. In that regard, it shall take account of additional mitigation measures that the provider may take to address the significant risk identified at the time of the issuance of the detection order.

deleted

That Coordinating Authority shall request to the competent judicial authority or independent administrative authority that issued the detection order the modification or revocation of such order, where necessary in the light of the outcome of that assessment. The

provisions of this Section shall apply to such requests, mutatis mutandis.

Or. en

Amendment 1120

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 9 – paragraph 4 – subparagraph 1

Text proposed by the Commission

In respect of the detection orders that the competent judicial ***authority or independent administrative*** authority issued at its request, the Coordinating Authority of establishment shall, where necessary and in any event following reception of the reports referred to in paragraph 3, assess whether any substantial changes to the grounds for issuing the detection orders occurred and, in particular, whether ***the conditions of Article 7(4) continue to be met. In that regard, it shall take account of additional mitigation measures that the provider may take to address the significant risk identified at the time of the issuance of the detection order.***

Amendment

In respect of the ***targeted*** detection orders that the competent judicial authority issued at its request, the Coordinating Authority of establishment shall, where necessary and in any event following reception of the reports referred to in paragraph 3, assess whether any substantial changes to the grounds for issuing the detection orders occurred and, in particular, whether ***evidence has been substantiated.***

Or. en

Amendment 1121

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 9 – paragraph 4 – subparagraph 1

Text proposed by the Commission

In respect of the detection orders that the competent judicial ***authority or independent administrative*** authority issued at its request, the Coordinating Authority of establishment shall, where necessary and in any event following reception of the reports referred to in paragraph 3, assess whether any substantial changes to the grounds for issuing the

Amendment

In respect of the detection orders that the competent judicial authority issued at its request, the Coordinating Authority of establishment shall, where necessary and in any event following reception of the reports referred to in paragraph 3, assess whether any substantial changes to the grounds for issuing the detection orders occurred and, in particular, whether the

detection orders occurred and, in particular, whether the conditions of Article 7(4) continue to be met. In that regard, it shall take account of additional mitigation measures that the provider may take to address the **significant risk** identified at the time of the issuance of the detection order.

conditions of Article 7(4) continue to be met. In that regard, it shall take account of additional mitigation measures that the provider may take to address the **reasonable suspicion or evidence** identified at the time of the issuance of the detection order.

Or. en

Amendment 1122

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 9 – paragraph 4 – subparagraph 2

Text proposed by the Commission

That Coordinating Authority shall request to the competent judicial **authority or independent administrative** authority that issued the detection order the modification or revocation of such order, where necessary in the light of the outcome of that assessment. The provisions of this Section shall apply to such requests, mutatis mutandis.

Amendment

That Coordinating Authority shall request to the competent judicial authority that issued the detection order the modification or revocation of such order, where necessary in the light of the outcome of that assessment. The provisions of this Section shall apply to such requests, mutatis mutandis.

Or. en

Amendment 1123

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 9 – paragraph 4 – subparagraph 2

Text proposed by the Commission

That Coordinating Authority shall request to the competent judicial **authority or independent administrative** authority that issued the detection order the modification or revocation of such order, where necessary in the light of the outcome of that assessment. The provisions of this Section shall apply to such requests, mutatis mutandis.

Amendment

That Coordinating Authority shall request to the competent judicial authority that issued the detection order the modification or revocation of such order, where necessary in the light of the outcome of that assessment. The provisions of this Section shall apply to such requests, mutatis mutandis.

Or. en

Amendment 1124
Rob Rooken
Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1125
Cristian Terheş
Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1126
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1127
Cristian Terheş
Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. Providers of hosting services and providers of interpersonal communication services that have received a detection order shall execute it by installing and operating technologies to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, using the corresponding indicators provided by the

deleted

Amendment 1128

Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlani, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior
Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communication services that have received a detection order shall execute it by installing and operating technologies to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.

Amendment

1. Providers of hosting services and providers of interpersonal communication services that have received a detection order ***concerning the online activities of persons suspected of being involved in child sexual abuse and persons disqualified from exercising activities involving children*** shall execute it by installing and operating technologies to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.

Justification

According to opinion 8787/23 of the Council's legal service, if the Council were to decide to maintain interpersonal communications within the scope of the regime of the detection order, the regime should be targeted in such a way that it applies to persons in respect of whom there are reasonable grounds to believe that they are in some way involved in, committing or have committed a child sexual abuse offence, or have a connection, at least indirectly, with the commission of sexual abuse offences.

Amendment 1129

Lucia Ďuriš Nicholsonová
Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communication services that have received a detection

Amendment

1. Providers of hosting services and providers of interpersonal communication services that have received a detection

order shall execute it by installing and operating technologies to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.

order ***or undertake voluntary detection measures in accordance with Article 4a,*** shall execute it by installing and operating technologies to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.

Or. en

Amendment 1130
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communication services that have received a detection ***order*** shall execute it by installing and operating technologies to detect the dissemination of known ***or new*** child sexual abuse material ***or the solicitation of children***, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.

Amendment

1. Providers of hosting services and providers of ***number-independent*** interpersonal communication services that have received a detection ***warrant*** shall execute it by installing and operating ***secure and privacy-friendly*** technologies, ***approved by the Centre***, to detect the dissemination of known child sexual abuse material, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.

Or. en

Justification

This amendment should be interpreted as changing the wording "detection orders" throughout this Regulation to "detection warrants". Detection warrants target individual suspects, can only be issued by competent judicial authorities and only concern "known child sexual abuse material".

Amendment 1131
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communication

Amendment

1. Providers of hosting services and providers of interpersonal communication

services that have received a detection order shall execute it by installing and operating technologies to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.

services that have received a **targeted** detection order shall execute it by installing and operating technologies to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46 **and with Article 6a**.

Or. en

Amendment 1132

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communication services that have received a detection order shall execute it **by installing and operating technologies to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable**, using **the corresponding indicators provided** by the EU Centre in accordance with Article 46.

Amendment

1. Providers of hosting services and providers of interpersonal communication services that have received a detection order **according to article 7** shall execute it **to collect evidence on one or more specific user's child sexual abuse offences**, using, **if necessary, specific technologies approved for this purpose** by the EU Centre in accordance with Article 46.

Or. en

Amendment 1133

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communication services that have received a detection **order** shall execute it by installing and operating technologies to detect the

Amendment

1. Providers of hosting services and providers of **number-independent** interpersonal communication services that have received a detection **warrant** shall execute it by installing and operating

dissemination of known *or new* child sexual abuse material *or the solicitation of children*, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.

technologies to detect the dissemination of known child sexual abuse material, as applicable, using the corresponding indicators provided by the EU Centre in accordance with Article 46.

Or. en

Amendment 1134
Cristian Terheş
Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. *The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1), for the sole purpose of executing the detection order. The provider shall not be required to use any specific technology, including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.*

deleted

Or. en

Amendment 1135
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1), for the sole purpose of executing the detection order. The *provider shall not be*

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies *specified in the orders and* made available by the EU Centre in accordance with Article 50(1), for the sole purpose of executing the detection order.

required to use any specific technology, including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.

The technologies relied on, regardless of whether provided by the EU service or procured or developed by the provider itself, shall be audited independently as per their performance, and the results of these audits as well as the benchmarks used to measure the performance shall be made publicly-available. Relying on technologies provided by the EU Center shall not exempt the provider from the obligation to conduct a prior data protection impact assessment, as referred to in Article 35 of Regulation (EU) 2016/679, and a prior consultation procedure, as referred to in Article 36 of that Regulation. The prior consultation shall include access of the supervisory authority to the algorithm and the databases the content is matched against.

Or. en

Amendment 1136

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Hélène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer
Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1), for the sole purpose of executing the detection order. The provider shall not be required to use any specific technology, including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.

Amendment

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1), for the sole purpose of executing the detection order *and, where needed, of adopting the security measures imposed by Article 7(3)(a)*. The provider shall not be required to use any specific technology, including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the

use of the technologies.

Or. en

Amendment 1137

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1), for the **sole** purpose of executing **the** detection order. The provider shall not be required to use any specific technology, including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.

Amendment

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1), for the purpose of **using voluntary measures, when authorised, or** executing **a** detection order. The provider shall not be required to use any specific technology, including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.

Or. en

Amendment 1138

Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1), for the sole purpose of executing the detection order. The provider shall not be required to use any specific technology, including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU

Amendment

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1), for the sole purpose of executing the detection order **or voluntary detection**. The provider shall not be required to use any specific technology, including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available

Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.

by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.

Or. en

Amendment 1139

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1), for the sole purpose of executing the detection order. The provider shall not be required to use any specific technology, including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.

Amendment

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1), for the sole purpose of executing the **targeted** detection order. The provider shall not be required to use any specific technology, including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.

Or. en

Amendment 1140

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1),

Amendment

2. The provider shall be entitled to acquire, install and operate, free of charge, technologies made available by the EU Centre in accordance with Article 50(1),

for the sole purpose of executing the detection **order**. The provider shall not be required to use any specific technology, including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.

for the sole purpose of executing the detection **warrant**. The provider shall not be required to use any specific technology, including those made available by the EU Centre, as long as the requirements set out in this Article are met. The use of the technologies made available by the EU Centre shall not affect the responsibility of the provider to comply with those requirements and for any decisions it may take in connection to or as a result of the use of the technologies.

Or. en

Amendment 1141
Cristian Terheş
Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

Amendment

- 3. *The technologies shall be:***
- (a) *effective in detecting the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable;***
- (b) *not be able to extract any other information from the relevant communications than the information strictly necessary to detect, using the indicators referred to in paragraph 1, patterns pointing to the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable;***
- (c) *in accordance with the state of the art in the industry and the least intrusive in terms of the impact on the users' rights to private and family life, including the confidentiality of communication, and to protection of personal data;***
- (d) *sufficiently reliable, in that they limit to the maximum extent possible the rate of errors regarding the detection.***

deleted

Or. en

Amendment 1142

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 3 – introductory part

Text proposed by the Commission

3. The technologies shall **be**:

Amendment

3. The technologies ***specified in the detection orders*** shall:

Or. en

Amendment 1143

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 3 – point a

Text proposed by the Commission

(a) effective in ***detecting*** the dissemination of ***known or new*** child sexual abuse material ***or the solicitation of children, as applicable***;

Amendment

(a) ***be*** effective in ***collecting evidence on*** the dissemination of child sexual abuse material;

Or. en

Amendment 1144

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 3 – point a

Text proposed by the Commission

(a) effective in detecting the dissemination of known ***or new*** child sexual abuse material ***or the solicitation of children***, as applicable;

Amendment

(a) effective in detecting the dissemination of known child sexual abuse material, as applicable;

Or. en

Amendment 1145

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 3 – point a

Text proposed by the Commission

(a) effective in detecting the dissemination of known **or new** child sexual abuse material **or the solicitation of children**, as applicable;

Amendment

(a) effective in detecting the dissemination of known child sexual abuse material, as applicable;

Or. en

Amendment 1146

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 3 – point b

Text proposed by the Commission

(b) not be able to extract any other information from the relevant communications than the information strictly necessary to detect, using the indicators referred to in paragraph 1, patterns pointing to the dissemination of **known or new** child sexual abuse material **or the solicitation of children, as applicable**;

Amendment

(b) not be able to extract **nor deduce the substance of the content of the communications or** any other information, from the relevant communications **other** than the information strictly necessary to detect, using the indicators referred to in paragraph 1, patterns pointing to the dissemination of child sexual abuse material;

Or. en

Justification

EDPS-EDPB opinion para 84

Amendment 1147

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 3 – point b

Text proposed by the Commission

(b) not be able to extract any other information from the relevant communications than the information strictly necessary to detect, using the indicators referred to in paragraph 1, patterns pointing to the dissemination of known **or new** child sexual abuse material

Amendment

(b) not be able to extract any other information from the relevant communications than the information strictly necessary to detect, using the indicators referred to in paragraph 1, patterns pointing to the dissemination of known child sexual abuse material, as

or the solicitation of children, as applicable;

applicable;

Or. en

Amendment 1148

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 3 – point b

Text proposed by the Commission

(b) not be able to extract any other information from the relevant communications than the information strictly necessary to detect, using the indicators referred to in paragraph 1, patterns pointing to the dissemination of known *or new* child sexual abuse material *or the solicitation of children*, as applicable;

Amendment

(b) not be able to extract any other information from the relevant communications than the information strictly necessary to detect, using the indicators referred to in paragraph 1, patterns pointing to the dissemination of known child sexual abuse material, as applicable;

Or. en

Amendment 1149

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 3 – point c

Text proposed by the Commission

(c) in accordance with the state of the art in the industry and the least intrusive in terms of the impact on the users' rights to private and family life, including the confidentiality of communication, and to protection of personal data;

Amendment

(c) in accordance with the state of the art in the industry and the least intrusive in terms of the impact on the users' rights to private and family life, including the confidentiality of communication, and to protection of personal data. ***It shall not weaken or undermine end-to-end encryption and shall not limit providers of information society services from providing their services applying end-to-end encryption;***

Or. en

Amendment 1150

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 3 – point c

Text proposed by the Commission

(c) in accordance with the state of the art ***in the industry*** and the least intrusive in terms of the impact on the users' rights to private and family life, including the confidentiality of communication, and to protection of personal data;

Amendment

(c) ***be*** in accordance with the ***technological*** state of the art and the least intrusive in terms of the impact on the users' rights to private and family life, including the confidentiality of communication, and to protection of personal data;

Or. en

Amendment 1151

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 3 – point d

Text proposed by the Commission

(d) sufficiently reliable, in that they limit to the maximum extent possible the rate of errors ***regarding the detection.***

Amendment

(d) ***be*** sufficiently reliable, in that they limit to the maximum extent possible the rate of errors ***where content is wrongly identified as known child sexual abuse material (“false positives”) to at most 1 in 50 billion, and where such occasional errors occur, their consequences are rectified without delay;***

Or. en

Amendment 1152

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Article 10 – paragraph 3 – point d

Text proposed by the Commission

(d) sufficiently reliable, in that they limit to the maximum extent possible the rate of errors regarding the detection.

Amendment

(d) sufficiently reliable, in that they limit to the maximum extent possible the rate of errors regarding the detection, ***of content representing online child sexual abuse and, where such occasional errors***

*occur, their consequences are rectified
without delay;*

Or. en

Amendment 1153
Javier Zarzalejos
Proposal for a regulation
Article 10 – paragraph 3 – point d

Text proposed by the Commission

(d) sufficiently reliable, in that they limit to the maximum extent possible the rate of errors regarding the detection.

Amendment

(d) sufficiently reliable, in that they limit to the maximum extent possible the rate of errors regarding the detection, *with special attention to avoid deviations and bias with proper testing and training of algorithms and models where applicable.*

Or. en

Amendment 1154
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) for searching known child sexual abuse material, create a unique, non-reconvertible digital signature ('hash') of electronically communicated pictures or videos for the sole purpose of immediately comparing that hash with a database containing hashes of material previously reliably identified as child sexual abuse and exploitation material as provided by the EU Centre pursuant to Article 44(1);

Or. en

Amendment 1155
Lucia Ďuriš Nicholsonová, Fabienne Keller
Proposal for a regulation
Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) the technologies used to detect patterns of possible solicitation of children are limited to the use of relevant key indicators and objectively identified risk factors such as age difference and the likely involvement of a child in the scanned communication, without prejudice to the right to human review.

Or. en

Amendment 1156

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) effective in setting up a reliable age-based filter that verifies the age of users and effectively prevents the access of child users to websites subject to online child sexual abuse, and child sexual abuse offenses.

Or. en

Amendment 1157

Charlie Weimers, Cristian Terheş, Rob Rooker

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) (e) focused on communications where there is an established suspicion of illegal activity and the technologies shall not lead to general monitoring of private communications;

Or. en

Amendment 1158

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) ensure that the interference with the fundamental right to privacy and the other rights laid down in the Charter is limited to what is strictly necessary.

Or. en

Amendment 1159

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) ensure that the interference with the fundamental right to privacy and the other rights laid down in the Charter is limited to what is strictly necessary

Or. en

Amendment 1160

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) not able to weaken end-to end encryption and to lead to a general monitoring of private communications.

Or. en

Amendment 1161

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzton, Estrella Durá Ferrandis, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) not able to prohibit or make end-to-end encryption impossible.

Or. en

Amendment 1162

Hilde Vautmans, Maite Pagazaurtundúa, Fabienne Keller, Olivier Chastel, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) not able to prohibit or make end-to-end encryption impossible.

Or. en

Amendment 1163

Carles Puigdemont i Casamajó

Proposal for a regulation

Article 10 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) not able to weaken end-to-end encryption.

Or. en

Amendment 1164

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 3 – point d b (new)

Text proposed by the Commission

Amendment

(db) ensure the processing is limited to what is strictly necessary for the purpose of detection, reporting and removal of child sexual abuse material and, unless child sexual abuse material has been detected and confirmed as such, the data is erased immediately;

Or. en

Amendment 1165

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 3 – point d c (new)

Text proposed by the Commission

Amendment

(dc) ensure the processing does not interfere with, weaken, or circumvent the security of encrypted communications, and only applies to unencrypted communications;

Or. en

Amendment 1166

Cristian Terheş

Proposal for a regulation

Article 10 – paragraph 4

Text proposed by the Commission

Amendment

4. The provider shall:

deleted

(a) take all the necessary measures to ensure that the technologies and indicators, as well as the processing of personal data and other data in connection thereto, are used for the sole purpose of detecting the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, insofar as strictly necessary to execute the detection orders addressed to them;

(b) establish effective internal procedures to prevent and, where necessary, detect and remedy any misuse of the technologies, indicators and personal data and other data referred to in point (a), including unauthorized access to, and unauthorised transfers of, such personal data and other data;

(c) ensure regular human oversight as necessary to ensure that the technologies operate in a sufficiently reliable manner and, where necessary, in particular when potential errors and potential solicitation of children are detected, human intervention;

(d) establish and operate an accessible,

age-appropriate and user-friendly mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of its obligations under this Section, as well as any decisions that the provider may have taken in relation to the use of the technologies, including the removal or disabling of access to material provided by users, blocking the users' accounts or suspending or terminating the provision of the service to the users, and process such complaints in an objective, effective and timely manner;

(e) inform the Coordinating Authority, at the latest one month before the start date specified in the detection order, on the implementation of the envisaged measures set out in the implementation plan referred to in Article 7(3);

(f) regularly review the functioning of the measures referred to in points (a), (b), (c) and (d) of this paragraph and adjust them where necessary to ensure that the requirements set out therein are met, as well as document the review process and the outcomes thereof and include that information in the report referred to in Article 9(3).

Or. en

Amendment 1167
Charlie Weimers, Cristian Terheş, Rob Rooker
Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

Amendment

4. The provider shall: *deleted*

(a) take all the necessary measures to ensure that the technologies and indicators, as well as the processing of personal data and other data in connection thereto, are used for the sole purpose of detecting the dissemination of known or new child sexual abuse

material or the solicitation of children, as applicable, insofar as strictly necessary to execute the detection orders addressed to them;

(b) establish effective internal procedures to prevent and, where necessary, detect and remedy any misuse of the technologies, indicators and personal data and other data referred to in point (a), including unauthorized access to, and unauthorised transfers of, such personal data and other data;

(c) ensure regular human oversight as necessary to ensure that the technologies operate in a sufficiently reliable manner and, where necessary, in particular when potential errors and potential solicitation of children are detected, human intervention;

(d) establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of its obligations under this Section, as well as any decisions that the provider may have taken in relation to the use of the technologies, including the removal or disabling of access to material provided by users, blocking the users' accounts or suspending or terminating the provision of the service to the users, and process such complaints in an objective, effective and timely manner;

(e) inform the Coordinating Authority, at the latest one month before the start date specified in the detection order, on the implementation of the envisaged measures set out in the implementation plan referred to in Article 7(3);

(f) regularly review the functioning of the measures referred to in points (a), (b), (c) and (d) of this paragraph and adjust them where necessary to ensure that the requirements set out therein are met, as well as document the review process and the outcomes thereof and include that

information in the report referred to in Article 9(3).

Or. en

Justification

The technology required to implement the Commission's proposed text does not currently exist.

Amendment 1168

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. The *provider* shall:

4. The *issuing authority* shall:

Or. en

Amendment 1169

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 4 – point -a (new)

Text proposed by the Commission

Amendment

(-a) ensure privacy by design and safety-by-design and by default and, where applicable, the protection of encryption.

Or. en

Amendment 1170

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) take all the necessary measures to ensure that the technologies and indicators,

(a) *request, in respect of any specific technology used for the purpose set out in*

as well as the processing of personal data and other data in connection thereto, are used for the sole purpose of detecting the dissemination of known *or new* child sexual abuse material *or the solicitation of children*, as applicable, insofar as strictly necessary to execute the detection *orders* addressed to them;

this Article, a mandatory prior data protection impact assessment as referred to in Article 35 of Regulation (EU) 2016/679, and request a mandatory prior consultation procedure as referred to in Article 36 of that Regulation have been conducted and take all the necessary measures to ensure that the technologies and indicators, as well as the processing of personal data and other data in connection thereto, are used for the sole purpose of detecting the dissemination of known child sexual abuse material, as applicable, insofar as strictly necessary to execute the detection *warrants* addressed to them;

Or. en

Amendment 1171

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 10 – paragraph 4 – point a

Text proposed by the Commission

(a) take all the necessary measures to ensure that the technologies and indicators, as well as the processing of personal data and other data in connection thereto, are used for the sole purpose of detecting the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, insofar as strictly necessary to execute *the* detection orders addressed to them;

Amendment

(a) take all the necessary measures to ensure that the technologies and indicators, as well as the processing of personal data and other data in connection thereto, are used for the sole purpose of detecting the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, insofar as strictly necessary to *use voluntary measures, when authorised, or* execute detection orders addressed to them;

Or. en

Amendment 1172

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 4 – point a

Text proposed by the Commission

(a) take all the necessary measures to

Amendment

(a) take all the necessary measures to

ensure that the technologies and indicators, as well as the processing of personal data and other data in connection thereto, are used for the sole purpose of detecting the dissemination of ***known or new*** child sexual abuse material ***or the solicitation of children, as applicable***, insofar as strictly necessary to execute the detection orders ***addressed to them***;

ensure that the technologies ***specified in detection orders*** and indicators, as well as the processing of personal data and other data in connection thereto, are used for the sole purpose of detecting the dissemination of child sexual abuse material insofar as strictly necessary to execute the detection orders ***they issue***;

Or. en

Justification

If detection is limited to suspects and reliable technology exists, automated searches of intercepted interpersonal communications and hosted data for both known and unknown CSEM are justified.

Amendment 1173

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 10 – paragraph 4 – point a

Text proposed by the Commission

(a) take all the necessary measures to ensure that the technologies and indicators, as well as the processing of personal data and other data in connection thereto, are used for the sole purpose of detecting the dissemination of known or new child sexual abuse material ***or the solicitation of children***, as applicable, insofar as strictly necessary to execute the detection orders addressed to them;

Amendment

(a) take all the necessary measures to ensure that the technologies and indicators, as well as the processing of personal data and other data in connection thereto, are used for the sole purpose of detecting the dissemination of known or new child sexual abuse material, as applicable, insofar as strictly necessary to execute the ***targeted*** detection orders addressed to them;

Or. en

Amendment 1174

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 4 – point a (new)

Text proposed by the Commission

Amendment

(aa) ensure privacy by design and safety-by-design and by default and, where applicable, the protection of encryption.

Or. en

Amendment 1175

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 4 – point b

Text proposed by the Commission

(b) *establish effective* internal procedures to prevent and, where necessary, detect and remedy any misuse of the technologies, indicators and personal data and other data referred to in point (a), including unauthorized access to, and unauthorised transfers of, such personal data and other data;

Amendment

(b) *include in detection orders specific* internal procedures *for providers* to prevent and, where necessary, detect and remedy any misuse of the technologies, indicators and personal data and other data referred to in point (a), including unauthorized access to, and unauthorised transfers of, such personal data and other data;

Or. en

Amendment 1176

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 4 – point b

Text proposed by the Commission

(b) establish effective internal procedures to prevent and, where necessary, detect and remedy any misuse of the technologies, indicators and personal data and other data referred to in point (a), including *unauthorized* access to, and unauthorised transfers of, such personal data and other data;

Amendment

(b) establish effective internal procedures to prevent and, where necessary, detect and remedy any misuse of the technologies, indicators and personal data and other data referred to in point (a), including *unauthorised* access to, and unauthorised transfers of, such personal data and other data

Or. en

Amendment 1177

Maria Grapini

Proposal for a regulation

Article 10 – paragraph 4 – point c

Text proposed by the Commission

(c) să asigure supravegherea umană regulată, după cum este necesar pentru a garanta faptul că tehnologiile funcționează într-un mod suficient de fiabil și, în cazul în care acest lucru este necesar, în special atunci când sunt detectate eventuale erori și eventuale cazuri de ademenire a copiilor, intervenția umană;

Amendment

(c) să asigure supravegherea umană regulată, după cum este necesar pentru a garanta faptul că tehnologiile funcționează într-un mod suficient de fiabil și, în cazul în care acest lucru este necesar, în special atunci când sunt detectate eventuale erori și eventuale cazuri de ademenire a copiilor, intervenția umană; ***să se asigure că va remedia într-un terment foarte scurt, de câteva ore, orice defecțiune , anomalie apărută la tehnologiile folosite;***

Or. ro

Amendment 1178

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 4 – point c

Text proposed by the Commission

(c) ensure regular human oversight as necessary to ensure that the technologies operate in a sufficiently reliable manner and, where necessary, in particular when potential errors ***and potential solicitation of children*** are detected, human intervention;

Amendment

(c) ***include in detection orders specific obligations on providers*** ensure regular human oversight as necessary to ensure that the technologies operate in a sufficiently reliable manner and, where necessary, in particular when potential errors are detected, human intervention;

Or. en

Amendment 1179

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 10 – paragraph 4 – point c

Text proposed by the Commission

(c) ensure ***regular*** human oversight ***as necessary*** to ensure that the technologies operate in a sufficiently reliable manner

Amendment

(c) ensure ***continuous*** human oversight to ensure that the technologies operate in a sufficiently reliable manner and, where

and, where necessary, in particular when potential errors **and potential solicitation of children** are detected, human intervention;

necessary, in particular when potential errors are detected, **immediate** human intervention;

Or. en

Amendment 1180

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 4 – point c

Text proposed by the Commission

(c) ensure **regular** human oversight **as necessary** to ensure that the technologies operate in a sufficiently reliable manner and, where necessary, in particular when potential errors **and potential solicitation of children** are detected, human intervention;

Amendment

(c) ensure human oversight **at any moment** to ensure that the technologies operate in a sufficiently reliable manner and, where necessary, in particular when potential errors are detected, **immediate** human intervention;

Or. en

Amendment 1181

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 4 – point d

Text proposed by the Commission

(d) establish and operate an accessible, **age-appropriate** and user-friendly mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of **its** obligations under this Section, as well as any decisions that **the** provider may have taken in relation to the use of the technologies, **including the removal or disabling of access to material provided by users, blocking the users' accounts or suspending or terminating the provision of the service to the users**, and process

Amendment

(d) establish and operate an accessible, **child-appropriate** and user-friendly mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of **providers'** obligations under this Section, as well as any decisions that provider may have taken in relation to the use of the technologies, and process such complaints in an objective, effective and timely manner;

such complaints in an objective, effective and timely manner;

Or. en

Amendment 1182

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 4 – point d

Text proposed by the Commission

(d) establish and operate an accessible, age-appropriate and ***user-friendly*** mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of its obligations under this Section, as well as any decisions that the provider may have taken in relation to the use of the technologies, including the removal or disabling of access to material provided by users, blocking the users' accounts or suspending or terminating the provision of the service to the users, and process such complaints in an objective, effective and timely manner;

Amendment

(d) establish and operate an accessible, age-appropriate and ***user- and child-friendly*** mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of its obligations under this Section, as well as any decisions that the provider may have taken in relation to the use of the technologies, including the removal or disabling of access to material provided by users, blocking the users' accounts or suspending or terminating the provision of the service to the users, and process such complaints in an objective, effective and timely manner ;

Or. en

Amendment 1183

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 4 – point d

Text proposed by the Commission

(d) establish and operate an accessible, age-appropriate and ***user-friendly*** mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of its obligations under this Section, as well as any decisions that the provider may have taken in relation to the use of the

Amendment

(d) establish and operate an accessible, age-appropriate and ***user- and child-friendly*** mechanism that allows users to submit to it, within a reasonable timeframe, complaints about alleged infringements of its obligations under this Section, as well as any decisions that the provider may have taken in relation to the use of the

technologies, including the removal or disabling of access to material provided by users, blocking the users' accounts or suspending or terminating the provision of the service to the users, and process such complaints in an objective, effective and timely manner;

technologies, including the removal or disabling of access to material provided by users, blocking the users' accounts or suspending or terminating the provision of the service to the users, and process such complaints in an objective, effective and timely manner;

Or. en

Amendment 1184

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 4 – point e

Text proposed by the Commission

(e) inform the Coordinating Authority, at the latest one month before the start date specified in the detection order, on the implementation of the envisaged measures set out in the implementation plan referred to in Article 7(3);

Amendment

(e) inform the Coordinating **Authority and competent Data Protection** Authority, at the latest one month before the start date specified in the detection order, on the implementation of the envisaged measures set out in the implementation plan referred to in Article 7(3);

Or. en

Amendment 1185

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 4 – point e

Text proposed by the Commission

(e) inform the Coordinating Authority, at the latest one month before the start date specified in the detection order, on the implementation of the envisaged measures set out in the implementation plan referred to in Article 7(3);

Amendment

(e) inform the Coordinating Authority **and Data Protection Authorities**, at the latest one month before the start date specified in the detection order, on the implementation of the envisaged measures set out in the implementation plan referred to in Article 7(3);

Or. en

Amendment 1186

Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Article 10 – paragraph 4 – point e

Text proposed by the Commission

(e) inform the Coordinating Authority, at the latest one month before the start date specified in the detection order, on the implementation of the envisaged measures set out in the implementation plan referred to in Article 7(3);

Amendment

(e) inform the Coordinating Authority, at the latest one month before the start date specified in the ***targeted*** detection order, on the implementation of the envisaged measures set out in the implementation plan referred to in Article 7(3);

Or. en

Amendment 1187
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 10 – paragraph 4 – point e a (new)

Text proposed by the Commission

Amendment

(ea) request in respect of any specific technology used for the purpose set out in this Article, a prior data protection impact assessment as referred to in Article 35 of Regulation (EU) 2016/679, and request a prior consultation procedure as referred to in Article 36 of that Regulation have been conducted;

Or. en

Amendment 1188
Vincenzo Sofo, Jadwiga Wiśniewska
Proposal for a regulation
Article 10 – paragraph 4 – point f a (new)

Text proposed by the Commission

Amendment

(fa) ensure privacy without hampering the integrity of encryption and without leading to a general monitoring of private communications.

Or. en

Amendment 1189
Carles Puigdemont i Casamajó

Proposal for a regulation
Article 10 – paragraph 4 – point f a (new)

Text proposed by the Commission

Amendment

(fa) ensure privacy by design and by default and, where applicable, without hampering the integrity of encryption.

Or. en

Amendment 1190
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. in respect of any specific technology used for the purpose set out in this Article, conduct a mandatory prior data protection impact assessment as referred to in Article 35 of Regulation (EU) 2016/679 and a mandatory prior consultation procedure as referred to in Article 36 of that Regulation;

Or. en

Amendment 1191
Cristian Terheş
Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission

Amendment

5. The provider shall inform users in a clear, prominent and comprehensible way of the following:

deleted

(a) the fact that it operates technologies to detect online child sexual abuse to execute the detection order, the ways in which it operates those technologies and the impact on the confidentiality of users' communications;

(b) the fact that it is required to report potential online child sexual abuse to the EU Centre in accordance with Article 12;

(c) the users' right of judicial redress referred to in Article 9(1) and their rights to submit complaints to the provider through the mechanism referred to in paragraph 4, point (d) and to the Coordinating Authority in accordance with Article 34.

The provider shall not provide information to users that may reduce the effectiveness of the measures to execute the detection order.

Or. en

Amendment 1192

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

(a) the fact that it operates technologies to detect **online** child sexual abuse to execute the detection **order**, the ways in which it operates those technologies and the impact on the confidentiality of **users'** communications;

Amendment

(a) the fact that it operates technologies to detect **known** child sexual abuse **material** to execute the detection **warrant**, the ways in which it operates those technologies and the impact on the **users' fundamental rights to private and family life, including the** confidentiality of communications **and the protection of personal data**;

Or. en

Amendment 1193

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

(a) the fact that it operates technologies to detect **online** child sexual abuse to execute the detection order, the ways in which it operates those technologies and

Amendment

(a) the fact that it operates technologies to detect child sexual abuse **material** to execute the detection order, the ways in which it operates those technologies and

the **impact** on the confidentiality of **users'** communications;

the on ***the users' fundamental rights to private and family life, including*** the confidentiality of communications ***and the protection of personal data***;

Or. en

Amendment 1194

Maria Grapini

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) faptul că utilizează tehnologii de detectare a abuzurilor sexuale online asupra copiilor pentru a executa ordinul de detectare, modul în care utilizează respectivele tehnologii și impactul asupra confidențialității comunicațiilor utilizatorilor;

(a) faptul că utilizează tehnologii de detectare a abuzurilor sexuale online asupra copiilor pentru a executa ordinul de detectare, modul în care utilizează respectivele tehnologii și impactul asupra confidențialității comunicațiilor utilizatorilor ***și asupra protecției datelor personale***;

Or. ro

Amendment 1195

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the fact that it operates technologies to detect online child sexual abuse to execute the detection order, the ways in which it operates those technologies and the impact on the confidentiality of users' communications;

(a) the fact that it operates technologies to detect online child sexual abuse to execute the ***targeted*** detection order, the ways in which it operates those technologies and the impact on the confidentiality of users' communications;

Or. en

Amendment 1196

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the fact that it operates technologies to detect **online** child sexual abuse to execute the detection order, the ways in which it operates those technologies and the impact on the confidentiality of users' communications;

(a) the fact that it operates technologies to detect child sexual abuse to execute the detection order, the ways in which it operates those technologies and the impact on the confidentiality of users' communications;

Or. en

Amendment 1197

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the fact that it is required to report potential online child sexual abuse to the EU Centre in accordance with Article 12; **deleted**

Or. en

Justification

This is a horizontal obligation under Article 12.

Amendment 1198

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 5 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) the users' right of judicial redress referred to in Article 9(1) and their rights to submit complaints to the provider through the mechanism referred to in paragraph 4, point (d) and to the Coordinating Authority in accordance with Article 34.

(c) the users' right of judicial redress referred to in Article 9(1) and their rights to submit complaints to the provider through the mechanism referred to in paragraph 4, point (d) and to the **Data Protection Authority and** Coordinating Authority in accordance with Article 34.

Or. en

Amendment 1199

Sven Simon, Christian Doleschal, Niclas Herbst, Sara Skytvedal, Jessica Polfj rd, Tomas Tob , Arba Kokalari
Proposal for a regulation
Article 10 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

The provider shall not provide information to users that may reduce the effectiveness of the measures to execute the detection order.

The provider shall not provide information to users that may reduce the effectiveness of the measures to execute the **targeted** detection order, **notwithstanding Article 6a and general advice on confidential communication**.

Or. en

Amendment 1200
Cristian Terhe 
Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission

Amendment

6. Where a provider detects potential online child sexual abuse through the measures taken to execute the detection order, it shall inform the users concerned without undue delay, after Europol or the national law enforcement authority of a Member State that received the report pursuant to Article 48 has confirmed that the information to the users would not interfere with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

deleted

Or. en

Amendment 1201
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission

Amendment

6. Where a provider detects potential online child sexual abuse through the measures taken to execute the detection

deleted

order, it shall inform the users concerned without undue delay, after Europol or the national law enforcement authority of a Member State that received the report pursuant to Article 48 has confirmed that the information to the users would not interfere with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Or. en

Justification

Reporting obligations are covered in Article 12. From an operational perspective, it should not matter how the illegal activity was identified.

Amendment 1202

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 10 – paragraph 6

Text proposed by the Commission

6. Where a provider detects potential online child sexual abuse through the measures taken to execute the detection order, it shall inform the users concerned without undue delay, after Europol or the national law enforcement authority of a Member State that received the report pursuant to Article 48 has confirmed that the information to the users would not interfere with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Amendment

6. Where a provider detects potential online child sexual abuse through the measures taken to execute the **targeted** detection order, it shall inform the users concerned without undue delay, after Europol or the national law enforcement authority of a Member State that received the report pursuant to Article 48 has confirmed that the information to the users would not interfere with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Or. en

Amendment 1203

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 10 – paragraph 6

Text proposed by the Commission

Amendment

6. Where a provider detects potential **online** child sexual abuse through the measures taken to execute the detection order, it shall inform the users concerned without undue delay, after **Europol or** the national law enforcement authority of a Member State that received the report pursuant to Article 48 has confirmed that the information to the users would not interfere with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

6. Where a provider detects potential child sexual abuse **material** through the measures taken to execute the detection order, it shall inform the users concerned without undue delay, after the national law enforcement authority of a Member State that received the report pursuant to Article 48 has confirmed that the information to the users would not interfere with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Or. en

Amendment 1204

Tomas Tobé, Jessica Polfjärd, Jörgen Warborn, Arba Kokalari

Proposal for a regulation

Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Safeguarding end-to-end encryption

The integrity of end-to-end encryption services must be safeguarded. The detection obligations set out in this section shall therefore not apply to end-to-end encryption services. This includes, inter alia, no possibility within end-to-end encryption technology to build in so called ‘backdoors’ i.e. client-side scanning with side-channel leaks which could weaken the end-to-end encryption and lead to a third part getting access to private data. Client-side scanning, when a message is scanned twice, on sending and receiving, threatens the integrity and privacy of users. Such ‘backdoors’ shall not be built in on end-to-end encryption in the pursuit of enforcing this regulation.

Or. en

Amendment 1205

Cristian Terheş
Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

**Guidelines regarding detection
obligations**

*The Commission, in cooperation with the
Coordinating Authorities and the EU
Centre and after having conducted a
public consultation, may issue guidelines
on the application of Articles 7 to 10,
having due regard in particular to
relevant technological developments and
the manners in which the services covered
by those provisions are offered and used.*

Or. en

Amendment 1206
Rob Rooken
Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

**Guidelines regarding detection
obligations**

*The Commission, in cooperation with the
Coordinating Authorities and the EU
Centre and after having conducted a
public consultation, may issue guidelines
on the application of Articles 7 to 10,
having due regard in particular to
relevant technological developments and
the manners in which the services covered
by those provisions are offered and used.*

Or. en

Amendment 1207
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation

Article 11 – title

Text proposed by the Commission

Amendment

Guidelines regarding detection obligations

Additional rules regarding detection obligations

Or. en

Amendment 1208

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

deleted

Or. en

Amendment 1209

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation, ***may*** issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

The Commission, in cooperation with the ***European Data Protection Board, Fundamental Rights Agency,*** Coordinating Authorities and the EU Centre and after having conducted a public consultation, ***shall*** issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments, ***ensuring that the interference with the fundamental***

right to privacy and the other rights laid down in the Charter is limited to what is strictly necessary and the manners in which the services covered by those provisions are offered and used.

Or. en

Amendment 1210
Karolin Braunsberger-Reinhold
Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

Amendment

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and ***trends reported by law enforcement, hotlines and civil society*** and the manners in which the services covered by those provisions are offered and used.

Or. en

Amendment 1211
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue ***guidelines*** on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

Amendment

The Commission, in cooperation with the Coordinating Authorities, and the EU Centre, ***after having consulted the European Data Protection Board*** and after having conducted a public consultation, may issue ***delegated acts*** on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

*Justification**EDPS-EDPB opinion para 110***Amendment 1212****Paul Tang, Alex Agius Saliba****Proposal for a regulation****Article 11 – paragraph 1***Text proposed by the Commission*

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

Amendment

The Commission, in cooperation with the Coordinating Authorities and the EU Centre and after ***having consulted the European Data Protection Board and*** having conducted a public consultation, may issue guidelines on the application of Articles 7 to 10, having due regard in particular to relevant technological developments and the manners in which the services covered by those provisions are offered and used.

Or. en

Amendment 1213**Patrick Breyer**

on behalf of the Verts/ALE Group

Proposal for a regulation**Chapter II – Section 3 – title***Text proposed by the Commission*

3 Reporting obligations

*Amendment*3 Reporting ***and removal*** obligations

Or. en

Amendment 1214**Patrick Breyer**

on behalf of the Verts/ALE Group

Proposal for a regulation**Article 12 – title***Text proposed by the Commission*

Reporting obligations

*Amendment*Reporting ***and removal*** obligations

Amendment 1215**Paul Tang, Alex Agius Saliba, Birgit Sippel****Proposal for a regulation****Article 12 – paragraph 1***Text proposed by the Commission*

1. Where a provider of hosting services or a provider of interpersonal communications services becomes aware in any manner other than through a removal order issued in accordance with this Regulation of ***any information indicating potential*** online child sexual abuse on its services, it shall promptly submit a report thereon to the EU Centre in accordance with Article 13. It shall do so through the system established in accordance with Article 39(2).

Amendment

1. Where a provider of hosting services or a provider of ***number-independent*** interpersonal communications services becomes aware in any manner other than through a removal order issued in accordance with this Regulation of ***alleged*** online child sexual abuse on its services, it shall promptly ***report, without delay, that abuse to the competent law enforcement and independent judicial authorities and*** submit a report thereon to the EU Centre in accordance with Article 13. It shall do so through the system established in accordance with Article 39(2).

Amendment 1216**Patrick Breyer**

on behalf of the Verts/ALE Group

Proposal for a regulation**Article 12 – paragraph 1***Text proposed by the Commission*

1. Where a provider of hosting services or a provider of interpersonal communications services ***becomes aware*** in any manner other than through a removal order issued in accordance with this Regulation ***of any information indicating potential online child sexual abuse on its services***, it shall promptly submit a report ***thereon*** to the EU Centre in accordance with Article 13. It shall do so through the system established in accordance with Article 39(2).

Amendment

1. Where a provider of hosting services or a provider of ***publicly available number-independent*** interpersonal communications services ***has actual knowledge of alleged online child sexual abuse on its services*** in any manner other than through a removal order issued in accordance with this Regulation, it shall promptly submit, ***using state of the art encryption***, a report to the EU Centre ***and the relevant competent national authority*** in accordance with Article 13. It shall do so through the system established in accordance with Article 39(2).

Amendment 1217

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. Where a provider of hosting services or a provider of interpersonal communications services becomes aware in any manner other than through a removal order issued in accordance with this Regulation of any information indicating potential **online** child sexual abuse on its services, it shall promptly submit a report thereon to the EU Centre in accordance with Article 13. It shall do so through the system established in accordance with Article 39(2).

Amendment

1. Where a provider of hosting services or a provider of **number-independent** interpersonal communications services becomes aware in any manner other than through a removal order issued in accordance with this Regulation of any information indicating potential child sexual abuse **material** on its services, it shall promptly submit a report thereon to the EU Centre in accordance with Article 13. It shall do so through the system established in accordance with Article 39(2).

Amendment 1218

Rob Rooken

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. Where a provider of hosting services or a provider of interpersonal communications services becomes aware in any manner other than through a removal order issued in accordance with this Regulation of any information indicating potential online child sexual abuse on its services, it shall promptly submit a report thereon to the EU Centre in accordance with Article 13. It shall do so through the system established in accordance with Article 39(2).

Amendment

1. Where a provider of hosting services or a provider of **number independent** interpersonal communications services becomes aware in any manner other than through a removal order issued in accordance with this Regulation of any information indicating potential online child sexual abuse on its services, it shall promptly submit a report thereon to the EU Centre in accordance with Article 13. It shall do so through the system established in accordance with Article 39(2).

Amendment 1219

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where a provider of hosting services has actual knowledge of online child sexual abuse material on its services and of its unlawful nature it shall expeditiously remove or disable access to it in all Member States.

Or. en

Justification

Where a provider of hosting services has actual knowledge of online child sexual abuse material on its services and of its unlawful nature but does not expeditiously remove or disable access to it, it is no longer exempt from liability according to the Digital Services Act and should be obliged to remove the material, to prevent its continued circulation.

Amendment 1220

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Where the provider submits a report pursuant to paragraph 1, it shall **inform** the user concerned, **providing** information on the main content of the report, on the manner in which the provider has become aware of the **potential** child sexual abuse concerned, on the follow-up given to the report insofar as such information is available to the provider and on the user's possibilities of redress, including on the right to submit complaints to the Coordinating Authority in accordance with Article 34.

Where the provider submits a report pursuant to paragraph 1, it shall **request authorisation from the EU Centre to notify** the user concerned, **which shall reply without undue delay, at maximum within two days. In case of authorisation, the provider shall notify the user without undue delay. The notification shall include** information on the main content of the report, on the manner in which the provider has become aware of the **alleged** child sexual abuse concerned, **on the authority the report has been transferred to**, on the follow-up given to the report insofar as such information is available to

the provider and on the user's possibilities of redress, including on the right to submit complaints to the Coordinating Authority in accordance with Article 34.

Or. en

Amendment 1221

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where the provider submits a report pursuant to paragraph 1, it shall inform the user concerned, providing information on the main content of the report, on the manner in which the provider has become aware of the potential child sexual abuse concerned, on the follow-up given to the report insofar as such information is available to the provider and on the user's possibilities of redress, including on the right to submit complaints to the Coordinating Authority in accordance with Article 34.

Amendment

Where the provider submits a report pursuant to paragraph 1, it shall inform the user concerned, providing information on the main content of the report, on the manner in which the provider has become aware of the potential child sexual abuse concerned, on the follow-up given to the report insofar as such information is available to the provider and on the user's possibilities of redress, including on the right to submit complaints to the **Data Protection Authority and** Coordinating Authority in accordance with Article 34.

Or. en

Amendment 1222

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The provider shall inform the user concerned without undue delay, either after having received a communication from the EU Centre indicating that it considers the report to be manifestly unfounded as referred to in Article 48(2), or after the expiry of a time period of

Amendment

deleted

three months from the date of the report without having received a communication from the EU Centre indicating that the information is not to be provided as referred to in Article 48(6), point (a), whichever occurs first.

Or. en

Justification

The EU Center shall coordinate with the relevant competent authority the requests it receives for exercise of individuals' right of access, rectification and deletion in relation to personal data processed pursuant to this Regulation.

Amendment 1223

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The provider shall inform the user concerned without undue delay, *either after having received a communication from the EU Centre indicating that it considers the report to be manifestly unfounded as referred to in Article 48(2), or after the expiry of a time period of three months from the date of the report without having received a communication from the EU Centre indicating that the information is not to be provided as referred to in Article 48(6), point (a), whichever occurs first.*

Amendment

The provider shall inform the user concerned without undue delay.

Or. en

Amendment 1224

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The provider shall inform the user concerned without undue delay, either after having received a communication from the EU Centre indicating that it considers the report to be *manifestly* unfounded as referred to in Article 48(2), or after the expiry of a time period of three months from the date of the report without having received a communication from the EU Centre indicating that the information is not to be provided as referred to in Article 48(6), point (a), whichever occurs first.

The provider shall inform the user concerned without undue delay, either after having received a communication from the EU Centre indicating that it considers the report to be unfounded as referred to in Article 48(2), or after the expiry of a time period of three months from the date of the report without having received a communication from the EU Centre indicating that the information is not to be provided as referred to in Article 48(6), point (a), whichever occurs first.

Or. en

Amendment 1225

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Where within the three months' time period referred to in the second subparagraph the provider receives such a communication from the EU Centre indicating that the information is not to be provided, it shall inform the user concerned, without undue delay, after the expiry of the time period set out in that communication.

deleted

Or. en

Amendment 1226

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Where within the three months' time period referred to in the second subparagraph the provider receives such a communication from the EU Centre indicating that the information is not to be provided, it shall inform the user concerned, without undue delay, after the

deleted

expiry of the time period set out in that communication.

Or. en

Amendment 1227

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The EU Center shall coordinate with the relevant competent authority the requests it receives for exercise of individuals' right of access, rectification and deletion in relation to personal data processed pursuant to this Regulation.

Or. en

Justification

EDPS-EDPB opinion para 117

Amendment 1228

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The provider shall establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to flag to the provider potential online child sexual abuse on the service. **deleted**

Or. en

Justification

Covered under specific measures, Article 4, now.

Amendment 1229

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

3. The provider shall ***establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to flag to the provider potential online child sexual abuse on the service.***

Amendment

3. The provider, ***the EU centre, the competent authority or any judicial enforcement bodies***, shall, ***without undue delay, notify the individual or entity that have notified the alleged*** online child sexual abuse, ***of their decision in respect of the information to which the notified content relates, providing information on the possibilities for redress in respect of that decision.***

Or. en

Amendment 1230

Vincenzo Sofo, Jadwiga Wiśniewska
Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. The provider shall establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to flag to the provider potential online child sexual abuse on the ***service.***

Amendment

3. The provider shall establish and operate an accessible, age-appropriate, ***child-friendly*** and user-friendly mechanism, ***including self-reporting tools,*** that allows users to flag ***or notify*** to the provider potential online child sexual abuse on the ***services. Those mechanisms shall allow for anonymous reporting already available through anonymous reporting channels as defined by Directive (EU) 2019/1937.***

Or. en

Amendment 1231

Karolin Braunsberger-Reinhold
Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. The provider shall establish and operate an accessible, ***age-appropriate and*** user-friendly mechanism that allows users to flag to the provider potential online child

Amendment

3. The provider shall establish and operate an accessible, user-friendly mechanism ***with age-appropriate and anonymous options*** that allows users to

sexual abuse on the service.

flag to the provider potential online child sexual abuse on the service.

Or. en

Amendment 1232

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

3. The provider shall establish and operate an accessible, age-appropriate and user-friendly mechanism that allows users to flag to the provider potential online child sexual abuse on the service.

Amendment

3. The provider shall establish and operate an accessible, age-appropriate **and child-** and user-friendly mechanism that allows users to flag to the provider potential online child sexual abuse on the service.

Or. en

Amendment 1233

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. The report shall include:

Amendment

1. Providers of hosting services and providers of **number independent** interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. The report shall include, **insofar available**:

Or. en

Amendment 1234

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Providers of hosting services and providers of interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. The report shall include:

1. Providers of hosting services and providers of ***number-independent*** interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. The report shall include:

Or. en

Amendment 1235
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. The report shall include:

Amendment

1. Providers of hosting services and providers of ***number-independent*** interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. The report shall include:

Or. en

Amendment 1236
Rob Rooken
Proposal for a regulation
Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. The report shall include:

Amendment

1. Providers of hosting services and providers of ***number independent*** interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. The report shall include:

Or. en

Amendment 1237
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services and providers of interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. The report shall include:

Amendment

1. Providers of hosting services and providers of ***number-independent*** interpersonal communications services shall submit the report referred to in Article 12 using the template set out in Annex III. The report shall include:

Or. en

Amendment 1238

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 13 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) where applicable, an exact uniform resource locator and, where necessary, additional information for the identification of the child sexual abuse material

Or. en

Amendment 1239

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 13 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) the specific technology that enabled the provider to become aware of the potential online child sexual abuse;

Or. en

Amendment 1240

Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 13 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *all* content data, *including images, videos and text*;

(c) content data;

Or. en

Amendment 1241

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *all* content data, *including images, videos and text*;

(c) *the relevant* content data

Or. en

Amendment 1242

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) all content data, *including images, videos and text*;

(c) all content data *being reported*;

Or. en

Amendment 1243

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 13 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) *where applicable, an exact uniform resource locator and, where*

necessary, additional information for the identification of the child sexual abuse material;

Or. en

Amendment 1244
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 13 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) information on the reporting mechanism or specific technology used to detect the content;

Or. en

Amendment 1245
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 13 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) all available data other than content data related to the potential online child sexual abuse; *deleted*

Or. en

Amendment 1246
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 13 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) all available data other than content data related to the potential online child sexual abuse; *deleted*

Or. en

Amendment 1247
Jadwiga Wiśniewska
Proposal for a regulation
Article 13 – paragraph 1 – point d

Text proposed by the Commission

(d) *all* available ***data other than content*** data related to the potential online child sexual abuse;

Amendment

(d) *other* available data related to the ***reported*** potential online child sexual abuse, ***including unique identifiers of the user and metadata related to media files and communications***

Or. en

Amendment 1248
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 13 – paragraph 1 – point d

Text proposed by the Commission

(d) *all available* data other than content data related to the ***potential*** online child sexual abuse;

Amendment

(d) *other relevant* data other than content data related to the ***suspected*** online child sexual abuse;

Or. en

Amendment 1249
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 13 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) a list of all traffic data and metadata retained in relation to the potential online child sexual abuse, which could be made available to law enforcement authorities, together with information concerning default retention periods.

Or. en

Amendment 1250
Cornelia Ernst, Clare Daly
Proposal for a regulation

Article 13 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) whether the potential online child sexual abuse concerns the dissemination of known or new child sexual abuse material or the solicitation of children; **deleted**

Or. en

Amendment 1251

Cristian Terheş

Proposal for a regulation

Article 13 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) whether the potential online child sexual abuse concerns the dissemination of known or new child sexual abuse material or the solicitation of children; **deleted**

Or. en

Amendment 1252

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) whether the potential online child sexual abuse concerns the dissemination of known or new child sexual abuse material or the solicitation of children;

(e) whether the potential online child sexual abuse *to their knowledge* concerns the dissemination of known or new child sexual abuse material or the solicitation of children;

Or. en

Amendment 1253

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 13 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) information concerning the **deleted**

geographic location related to the potential online child sexual abuse, such as the Internet Protocol address;

Or. en

Amendment 1254

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 13 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) information concerning the geographic location related to the potential online child sexual abuse, such as the Internet Protocol address; ***deleted***

Or. en

Justification

If communications metadata that constitutes location data is meant, it should be defined accordingly. The term "Geographic location" creates uncertainty about the meaning. GPS cannot be meant because of the reference to IP-address.

Amendment 1255

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) information concerning the geographic location related to the potential online child sexual abuse, such as the Internet Protocol address;

(f) information concerning the *apparent* geographic location related to the potential online child sexual abuse, such as the Internet Protocol address;

Or. en

Amendment 1256

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 13 – paragraph 1 – point f

Text proposed by the Commission

(f) information concerning the geographic location related to the ***potential*** online child sexual abuse, ***such as the Internet Protocol address***;

Amendment

(f) information concerning the geographic location related to the ***suspected*** online child sexual abuse

Or. en

Amendment 1257

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 – paragraph 1 – point g

Text proposed by the Commission

(g) information ***concerning*** the identity of any user involved in the potential online child sexual abuse;

Amendment

(g) ***a list of available*** information ***indicating*** the identity of any user involved in the potential online child sexual abuse ***together with default retention periods***;

Or. en

Amendment 1258

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 13 – paragraph 1 – point g

Text proposed by the Commission

(g) information concerning the identity of any user involved in the ***potential*** online child sexual abuse;

Amendment

(g) information concerning the identity of any user involved in the ***suspected*** online child sexual abuse;

Or. en

Amendment 1259

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 13 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) ***whether the provider considers that the report involves and imminent threat to the life or safety of a child or requires urgent action***;

Amendment 1260
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 13 – paragraph 1 – point h

Text proposed by the Commission

(h) whether the provider has also reported, or will also report, the ***potential*** online child sexual abuse to a public authority or other entity competent to receive such reports of a third country and if so, which authority or entity;

Amendment

(h) whether the provider has also reported, or will also report, the ***suspected*** online child sexual abuse to a public authority or other entity competent to receive such reports of a third country and if so, which authority or entity;

Amendment 1261
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 13 – paragraph 1 – point i

Text proposed by the Commission

(i) where the ***potential*** online child sexual abuse concerns the dissemination of ***known or new*** child sexual abuse material, whether the provider has removed or disabled access to the material;

Amendment

(i) where the ***alleged*** online child sexual abuse concerns the dissemination of child sexual abuse material, whether the provider has removed or disabled access to the material;

Amendment 1262
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 13 – paragraph 1 – point i

Text proposed by the Commission

(i) where the ***potential*** online child sexual abuse concerns the dissemination of known ***or new*** child sexual abuse material, whether the provider has removed ***or disabled*** access to the material;

Amendment

(i) where the ***suspected*** online child sexual abuse concerns the dissemination of known child sexual abuse material, whether the provider has removed access to the material;

Amendment 1263
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 13 – paragraph 1 – point i a (new)

Text proposed by the Commission

Amendment

(ia) information on the specific technology that enabled the provider to become aware of the relevant abusive content, in case the provider became aware of the potential child sexual abuse following measures taken to execute a detection order issued in accordance with Article 7 of the Proposal.

Or. en

Justification

EDPS-EDPB opinion para 77

Amendment 1264
Alessandra Mussolini
Proposal for a regulation
Article 13 – paragraph 1 – point j

Text proposed by the Commission

Amendment

j) se il prestatore ritiene che la segnalazione richiede **un'azione** urgente;

j) Se il prestatore ritiene che la segnalazione **comporti una minaccia imminente alla vita o alla sicurezza di un bambino o** richiede **un' azione** urgente;

Or. it

Amendment 1265
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 13 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) information on the tools used by the provider to become aware of the reported online child sexual abuse, including data and aggregate statistics on how technologies used by the provider

work;

Or. en

Amendment 1266

**Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlani,
Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior**
Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it *or another independent administrative authority of that Member State* to issue a removal order requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove *or disable access* in all Member States *of* one or more specific items of material that, after a diligent assessment, the *Coordinating Authority or the courts or other independent administrative authorities referred to in Article 36(1)* identified as constituting child sexual abuse material.

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a removal order requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove in all Member States one or more specific items of material that, after a diligent assessment, the courts identified as constituting child sexual abuse material.

Or. en

Amendment 1267

Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it *or another independent administrative authority of that Member State* to issue a removal order requiring a provider of hosting services under the jurisdiction of

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a removal order requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove or

the Member State that designated that Coordinating Authority to remove or disable access in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts *or other independent administrative authorities referred to in Article 36(1)* identified as constituting child sexual abuse material.

disable access in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts identified as constituting *illegal* child sexual abuse material.

Or. en

Amendment 1268
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it *or another independent administrative authority of that Member State* to issue a removal order requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove or disable access in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts *or other independent administrative authorities* referred to in Article 36(1) identified as constituting child sexual abuse material.

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a removal order requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove or disable access in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts referred to in Article 36(1) identified as constituting child sexual abuse material.

Or. en

Amendment 1269
Maite Pagazaurtundúa, Moritz Körner
Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of

Amendment

1. The Coordinating Authority of

establishment shall have the power to request the competent judicial authority of the Member State that designated it ***or another independent administrative authority of that Member State*** to issue a removal order requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove or disable access in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts or other independent administrative authorities referred to in Article 36(1) identified as constituting child sexual abuse material.

establishment shall have the power to request the competent judicial authority of the Member State that designated it to issue a removal order requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove or disable access in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts or other independent administrative authorities referred to in Article 36(1) identified as constituting child sexual abuse material.

Or. en

Amendment 1270
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue a removal order requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove ***or disable access*** in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts or other independent administrative authorities referred to in Article 36(1) identified as constituting child sexual abuse material.

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or another independent administrative authority of that Member State to issue a removal order requiring a provider of hosting services under the jurisdiction of the Member State that designated that Coordinating Authority to remove in all Member States of one or more specific items of material that, after a diligent assessment, the Coordinating Authority or the courts or other independent administrative authorities referred to in Article 36(1) identified as constituting child sexual abuse material.

Or. en

Amendment 1271

Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof.

Amendment

2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof. ***For micro, small and medium enterprises, including open source providers, the removal order shall allow additional time, proportionate to the size and the resources of the provider, but in any case no longer than 3 days.***

Or. en

Amendment 1272
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof.

Amendment

2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof. ***For micro, small and medium enterprises, including open source providers, the removal order shall allow additional time, proportionate to the size and the resources of the provider.***

Or. en

Amendment 1273
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. The provider shall execute the removal order as soon as possible and in

Amendment

2. The provider shall execute the removal order as soon as possible and in

any event within 24 hours of receipt thereof.

any event within 24 hours of receipt thereof. ***For micro, small and medium enterprises, including open source providers, the removal order shall allow additional time, proportionate to the size and the resources of the provider.***

Or. en

Amendment 1274
Rob Rooken
Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof.

Amendment

2. The provider shall execute the removal order as soon as possible and in any event within 24 hours of receipt thereof. ***For micro, small and medium enterprises, including open source providers, the removal order shall allow additional time, proportionate to the size and the resources of the provider.***

Or. en

Amendment 1275
Patrick Breyer
Proposal for a regulation
Article 14 – paragraph 3 – introductory part

Text proposed by the Commission

3. The competent judicial ***authority or the independent administrative*** authority shall issue a removal order using the template set out in Annex IV. Removal orders shall include:

Amendment

3. The competent judicial authority shall issue a removal order using the template set out in Annex IV. Removal orders shall include:

Or. en

Amendment 1276
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 14 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) identification details of the judicial *or independent administrative* authority issuing the removal order and authentication of the removal order by that authority;

(a) identification details of the judicial authority issuing the removal order and authentication of the removal order by that authority;

Or. en

Amendment 1277

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 14 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) *the specific service for which the removal order is issued;*

deleted

Or. en

Amendment 1278

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 14 – paragraph 3 – point g

Text proposed by the Commission

Amendment

(g) a reference to this Regulation as the legal basis for the removal order;

(g) a reference to **Article 14 of** this Regulation as the legal basis for the removal order;

Or. en

Amendment 1279

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 14 – paragraph 3 – point h

Text proposed by the Commission

Amendment

(h) the date, time stamp and electronic signature of the judicial *or independent administrative* authority issuing the removal order;

(h) the date, time stamp and electronic signature of the judicial authority issuing the removal order;

Amendment 1280

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 14 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The judicial authority *or the independent administrative* issuing the removal order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

Amendment

The judicial authority issuing the removal order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

Amendment 1281

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 14 – paragraph 5 – subparagraph 1

Text proposed by the Commission

If the provider cannot execute the removal order on grounds of force majeure or de facto impossibility *not attributable to it, including for objectively justifiable technical or operational reasons*, it shall, without undue delay, inform the Coordinating Authority of establishment of those grounds, using the template set out in Annex V.

Amendment

If the provider cannot execute the removal order on grounds of force majeure or de facto impossibility it shall, without undue delay, inform the Coordinating Authority of establishment of those grounds, using the template set out in Annex V.

Amendment 1282

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 14 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. If the provider considers that the removal order has not been issued in accordance with this Article, or is manifestly abusive, it shall refuse to

execute the order and provide a reasoned justification to the Coordinating Authority that issued the order.

Or. en

Amendment 1283
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 14 – paragraph 7

Text proposed by the Commission

7. The provider shall, without undue delay and using the template set out in Annex VI, inform the Coordinating Authority of establishment and the EU Centre, of the measures taken to execute the removal order, indicating, in particular, whether the provider removed the child sexual abuse material ***or disabled access thereto*** in all Member States and the date and time thereof.

Amendment

7. The provider shall, without undue delay and using the template set out in Annex VI, inform the Coordinating Authority of establishment and the EU Centre, of the measures taken to execute the removal order, indicating, in particular, whether the provider removed the child sexual abuse material in all Member States and the date and time thereof.

Or. en

Amendment 1284
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 14 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Where Europol or a national authority become aware of the presence of child sexual abuse material on a hosting service, they shall notify the Coordinating authority of its exact uniform resource locator, and the Coordinating authority shall request a removal order where the conditions of paragraph 1 are met.

Or. en

Justification

To ensure that hosted child sexual abuse material known to authorities is removed. In an

operation against the “Boystown” online child sexual abuse platform, Europol and the German Federal Crime Agency (BKA) did not ensure that the child sexual abuse material shared via the platform they had access to was removed by the hosting services, resulting in its continued circulation and proliferation.

Amendment 1285

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services that have received a removal order issued in accordance with Article 14, as well as the users who provided the material, shall have the right to an effective redress. That right shall include the right to challenge such a removal order before the courts of the Member State of the competent judicial authority *or independent administrative authority* that issued the removal order.

Amendment

1. Providers of hosting services that have received a removal order issued in accordance with Article 14, as well as the users who provided the material, shall have the right to an effective redress. That right shall include the right to challenge such a removal order before the courts of the Member State of the competent judicial authority that issued the removal order.

Or. en

Amendment 1286

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services that have received a removal order issued in accordance with Article 14, as well as the users who provided the material, shall have the right to an effective redress. That right shall include the right to challenge such a removal order before the courts of the Member State of the competent judicial authority *or independent administrative authority* that issued the removal order.

Amendment

1. Providers of hosting services that have received a removal order issued in accordance with Article 14, as well as the users who provided the material, shall have the right to an effective redress. That right shall include the right to challenge such a removal order before the courts of the Member State of the competent judicial authority that issued the removal order.

Or. en

Amendment 1287

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission

When the removal order becomes final, the competent judicial *authority or independent administrative* authority that issued the removal order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

Amendment

When the removal order becomes final, the competent judicial authority that issued the removal order shall, without undue delay, transmit a copy thereof to the Coordinating Authority of establishment. The Coordinating Authority of establishment shall then, without undue delay, transmit a copy thereof to all other Coordinating Authorities through the system established in accordance with Article 39(2).

Or. en

Amendment 1288

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 15 – paragraph 3 – point a

Text proposed by the Commission

(a) the fact that it removed the material *or disabled access thereto*;

Amendment

(a) the fact that it removed the material;

Or. en

Amendment 1289

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 15 – paragraph 3 – point b

Text proposed by the Commission

(b) the reasons for the removal *or disabling*, providing a copy of the removal order *upon the user's request*;

Amendment

(b) the reasons for the removal, providing a copy of the removal order;

Or. en

Amendment 1290

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 15 – paragraph 3 – point b

Text proposed by the Commission

(b) the reasons for the removal or disabling, providing a copy of the removal order *upon the user's request*;

Amendment

(b) the reasons for the removal or disabling, providing a copy of the removal order;

Or. en

Amendment 1291

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 15 – paragraph 4

Text proposed by the Commission

Amendment

4. The Coordinating Authority of establishment may request, when requesting the judicial authority or independent administrative authority issuing the removal order, and after having consulted with relevant public authorities, that the provider is not to disclose any information regarding the removal of or disabling of access to the child sexual abuse material, where and to the extent necessary to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

deleted

In such a case:

(a) the judicial authority or independent administrative authority issuing the removal order shall set the time period not longer than necessary and not exceeding six weeks, during which the provider is not to disclose such information;

(b) the obligations set out in paragraph 3 shall not apply during that time period;

(c) that judicial authority or independent administrative authority shall inform the provider of its decision, specifying the applicable time period.

That judicial authority or independent administrative authority may decide to extend the time period referred to in the second subparagraph, point (a), by a further time period of maximum six weeks, where and to the extent the non-disclosure continues to be necessary. In that case, that judicial authority or independent administrative authority shall inform the provider of its decision, specifying the applicable time period. Article 14(3) shall apply to that decision.

Or. en

Justification

The removal or disabling of content as such will alert the criminal that the content has been identified. Effective coordination, in line with the proposed Article 14.1a, is needed to avoid disruption of investigations.

Amendment 1292

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 15 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment may request, when requesting the judicial authority or independent administrative authority issuing the removal order, and after having consulted with relevant public authorities, that the provider is not to disclose any information regarding the removal of *or disabling of access to the* child sexual abuse material, where and to the extent necessary to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Amendment

The Coordinating Authority of establishment may request, when requesting the judicial authority or independent administrative authority issuing the removal order, and after having consulted with relevant public authorities, that the provider is not to disclose any information regarding the removal of child sexual abuse material, where and to the extent necessary to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences.

Or. en

Amendment 1293

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Chapter II – Section 5

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1294

Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior

Proposal for a regulation

Chapter II – Section 5

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

Blockings can be circumvented. CSAM must be removed.

Amendment 1295

Patrick Breyer

on behalf of the Verts/ALE Group

Rob Rooken, Paul Tang, Karen Melchior, Cristian Terheş

Proposal for a regulation

Chapter II – Section 5

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

(for deleting blocking provisions entirely): Access blocking is ineffective and can easily be circumvented by persons actively seeking access to unlawful content. Also it is usually technologically impossible to comply with the prohibition of collateral or excessive blocking of access to lawful content hosted on the same website or server or via the same IP address (ECtHR, Vladimir Kharitonov v. Russia, 10795/14).

Amendment 1296

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel
Proposal for a regulation
Article 16

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1297
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 16

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1298
Rob Rooken
Proposal for a regulation
Article 16

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

Technically infeasible.

Amendment 1299
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 16

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1300
Cristian Terheş

Proposal for a regulation
Article 16

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1301
Cristian Terheş
Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

Amendment

1. The Coordinating Authority of establishment shall have the power to request the competent judicial authority of the Member State that designated it or an independent administrative authority of that Member State to issue a blocking order requiring a provider of internet access services under the jurisdiction of that Member State to take reasonable measures to prevent users from accessing known child sexual abuse material indicated by all uniform resource locators on the list of uniform resource locators included in the database of indicators, in accordance with Article 44(2), point (b) and provided by the EU Centre.

deleted

Or. en

Amendment 1302
Cristian Terheş
Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. The Coordinating Authority of establishment shall, before requesting the issuance of a blocking order, carry out all investigations and assessments necessary to determine whether the conditions of paragraph 4 have been met.

deleted

To that end, it shall, where appropriate:

(a) verify that, in respect of all or a representative sample of the uniform resource locators on the list referred to in paragraph 1, the conditions of Article 36(1), point (b), are met, including by carrying out checks to verify in cooperation with the EU Centre that the list is complete, accurate and up-to-date;

(b) require the provider to submit, within a reasonable time period set by that Coordinating Authority, the necessary information, in particular regarding the accessing or attempting to access by users of the child sexual abuse material indicated by the uniform resource locators, regarding the provider's policy to address the risk of dissemination of the child sexual abuse material and regarding the provider's financial and technological capabilities and size;

(c) request the EU Centre to provide the necessary information, in particular explanations and assurances regarding the accuracy of the uniform resource locators in indicating child sexual abuse material, regarding the quantity and nature of that material and regarding the verifications by the EU Centre and the audits referred to in Article 36(2) and Article 46(7), respectively;

(d) request any other relevant public authority or relevant experts or entities to provide the necessary information.

Or. en

Amendment 1303

Cristian Terheş

Proposal for a regulation

Article 16 – paragraph 3

Text proposed by the Commission

Amendment

3. *The Coordinating Authority of establishment shall, before requesting the issuance of the blocking order, inform the* *deleted*

provider of its intention to request the issuance of the blocking order, specifying the main elements of the content of the intended blocking order and the reasons to request the blocking order. It shall afford the provider an opportunity to comment on that information, within a reasonable time period set by that Coordinating Authority.

Or. en

Amendment 1304
Cristian Terheş
Proposal for a regulation
Article 16 – paragraph 4

Text proposed by the Commission

Amendment

4. *The Coordinating Authority of establishment shall request the issuance of the blocking order, and the competent judicial authority or independent authority shall issue the blocking order, where it considers that the following conditions are met:* *deleted*

(a) there is evidence of the service having been used during the past 12 months, to an appreciable extent, for accessing or attempting to access the child sexual abuse material indicated by the uniform resource locators;

(b) the blocking order is necessary to prevent the dissemination of the child sexual abuse material to users in the Union, having regard in particular to the quantity and nature of that material, the need to protect the rights of the victims and the existence and implementation by the provider of a policy to address the risk of such dissemination;

(c) the uniform resource locators indicate, in a sufficiently reliable manner, child sexual abuse material;

(d) the reasons for issuing the blocking order outweigh negative consequences for the rights and legitimate interests of all

parties affected, having regard in particular to the need to ensure a fair balance between the fundamental rights of those parties, including the exercise of the users' freedom of expression and information and the provider's freedom to conduct a business.

When assessing whether the conditions of the first subparagraph have been met, account shall be taken of all relevant facts and circumstances of the case at hand, including any information obtained pursuant to paragraph 2 and the views of the provider submitted in accordance with paragraph 3.

Or. en

Amendment 1305
Cristian Terheş
Proposal for a regulation
Article 16 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Coordinating Authority of establishment when requesting the issuance of blocking orders, and the competent judicial or independent administrative authority when issuing the blocking order, shall:* ***deleted***

(a) specify effective and proportionate limits and safeguards necessary to ensure that any negative consequences referred to in paragraph 4, point (d), remain limited to what is strictly necessary;

(b) subject to paragraph 6, ensure that the period of application remains limited to what is strictly necessary.

Or. en

Amendment 1306
Cristian Terheş
Proposal for a regulation
Article 16 – paragraph 6

Text proposed by the Commission

Amendment

6. *The Coordinating Authority shall specify in the blocking order the period during which it applies, indicating the start date and the end date.* *deleted*

The period of application of blocking orders shall not exceed five years.

Or. en

**Amendment 1307
Cristian Terheş
Proposal for a regulation
Article 16 – paragraph 7**

Text proposed by the Commission

Amendment

7. *In respect of the blocking orders that the competent judicial authority or independent administrative authority issued at its request, the Coordinating Authority shall, where necessary and at least once every year, assess whether any substantial changes to the grounds for issuing the blocking orders occurred and, in particular, whether the conditions of paragraph 4 continue to be met.* *deleted*

That Coordinating Authority shall request to the competent judicial authority or independent administrative authority that issued the blocking order the modification or revocation of such order, where necessary in the light of the outcome of that assessment or to take account of justified requests or the reports referred to in Article 18(5) and (6), respectively. The provisions of this Section shall apply to such requests, mutatis mutandis.

Or. en

**Amendment 1308
Rob Rooken
Proposal for a regulation
Article 17**

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1309
Cristian Terheş
Proposal for a regulation
Article 17

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1310
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 17

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1311
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 17

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1312
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 17

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1313
Cristian Terheş
Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. The Coordinating Authority of establishment shall issue the blocking orders referred to in Article 16 using the template set out in Annex VII. Blocking orders shall include: *deleted*

(a) the reference to the list of uniform resource locators, provided by the EU Centre, and the safeguards to be provided for, including the limits and safeguards specified pursuant to Article 16(5) and, where applicable, the reporting requirements set pursuant to Article 18(6);

(b) identification details of the competent judicial authority or the independent administrative authority issuing the blocking order and authentication of the blocking order by that authority;

(c) the name of the provider and, where applicable, its legal representative;

(d) the specific service in respect of which the detection order is issued;

(e) the start date and the end date of the blocking order;

(f) a sufficiently detailed statement of reasons explaining why the blocking order is issued;

(g) a reference to this Regulation as the legal basis for the blocking order;

(h) the date, time stamp and electronic signature of the judicial authority or the independent administrative authority

issuing the blocking order;

(i) easily understandable information about the redress available to the addressee of the blocking order, including information about redress to a court and about the time periods applicable to such redress.

Or. en

Amendment 1314

Sven Simon, Christian Doleschal, Niclas Herbst

Proposal for a regulation

Article 17 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the specific service in respect of which the detection order is issued;

(d) the specific service in respect of which the **targeted** detection order is issued;

Or. en

Amendment 1315

Cristian Terheş

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

Amendment

2. The competent judicial authority or independent administrative authority issuing the blocking order shall address it to the main establishment of the provider or, where applicable, to its legal representative designated in accordance with Article 24.

deleted

Or. en

Amendment 1316

Cristian Terheş

Proposal for a regulation

Article 17 – paragraph 3

Text proposed by the Commission

Amendment

3. The blocking order shall be transmitted to the provider's point of

deleted

contact referred to in Article 23(1), to the Coordinating Authority of establishment and to the EU Centre, through the system established in accordance with Article 39(2).

Or. en

Amendment 1317
Cristian Terheş
Proposal for a regulation
Article 17 – paragraph 4

Text proposed by the Commission

Amendment

4. *The blocking order shall be drafted in the language declared by the provider pursuant to Article 23(3).* ***deleted***

Or. en

Amendment 1318
Cristian Terheş
Proposal for a regulation
Article 17 – paragraph 5

Text proposed by the Commission

Amendment

5. *If the provider cannot execute the blocking order because it contains manifest errors or does not contain sufficient information for its execution, the provider shall, without undue delay, request the necessary clarification to the Coordinating Authority of establishment, using the template set out in Annex VIII.* ***deleted***

Or. en

Amendment 1319
Cristian Terheş
Proposal for a regulation
Article 17 – paragraph 6

Text proposed by the Commission

Amendment

6. *The Commission shall be empowered to adopt delegated acts in accordance with Article 86 in order to* ***deleted***

amend Annexes VII and VIII where necessary to improve the templates in view of relevant technological developments or practical experiences gained.

Or. en

Amendment 1320
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 18

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1321
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 18

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1322
Cristian Terheş
Proposal for a regulation
Article 18

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1323
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 18

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1324

Rob Rooker

Proposal for a regulation

Article 18

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1325

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

Liability of providers

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing, disabling of access to, blocking or reporting online child sexual abuse in accordance with those requirements.

Or. en

Justification

Redundant, see Art 7 DSA

Amendment 1326

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

Proposal for a regulation

Article 19 – title

Text proposed by the Commission

Amendment

Liability of providers

Liability of providers **and hotlines**

Or. en

Amendment 1327

Rob Rooker

Proposal for a regulation

Article 19 – paragraph 1

Text proposed by the Commission

Amendment

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, ***in particular activities aimed at detecting, identifying, removing, disabling of access to, blocking or reporting online child sexual abuse in accordance with those requirements.***

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, ***or because of the voluntary measures they take to remove or disable access to child sexual abuse material on their services.***

Or. en

Justification

Providers shall not be held liable for the measures they implement on a voluntary basis. All providers have strong incentives to fight against child sexual abuse materials and shall not be discouraged from proactively or reactively act or build measures to do so. This exemption must be specifically stated in the regulation.

Amendment 1328

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

Proposal for a regulation

Article 19 – paragraph 1

Text proposed by the Commission

Amendment

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing, disabling

Providers of relevant information society services **and hotlines** shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing,

of access to, blocking or reporting online child sexual abuse in accordance with those requirements.

disabling of access to, blocking or reporting online child sexual abuse in accordance with those requirements.

Or. en

Amendment 1329

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 19 – paragraph 1

Text proposed by the Commission

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing, ***disabling of access to, blocking*** or reporting online child sexual abuse in accordance with those requirements.

Amendment

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing or reporting online child sexual abuse in accordance with those requirements.

Or. en

Amendment 1330

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 19 – paragraph 1

Text proposed by the Commission

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing, ***disabling of access to, blocking*** or reporting online child sexual abuse in accordance with those requirements.

Amendment

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing or reporting online child sexual abuse in accordance with those requirements.

Or. en

Amendment 1331
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing, ***disabling of access to, blocking*** or reporting online child sexual abuse in accordance with those requirements.

Amendment

Providers of relevant information society services shall not be liable for child sexual abuse offences solely because they carry out, in good faith, the necessary activities to comply with the requirements of this Regulation, in particular activities aimed at detecting, identifying, removing, ***labelling***, or reporting online child sexual abuse in accordance with those requirements.

Or. en

Amendment 1332
Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlani, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior
Proposal for a regulation
Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19a

Respect to Privacy

Nothing in this Regulation shall be interpreted as a requirement to

- 1. break cryptography;***
- 2. scan content on users' devices;***
- 3. restrict anonymous access to online services and software applications.***

Or. en



2022/0155(COD)

30.5.2023

AMENDMENTS

1333 - 1718

Draft report
Javier Zarzalejos
(PE746.811v01-00)

Laying down rules to prevent and combat child sexual abuse

Proposal for a regulation
(COM(2022)0209 – C9-0174/2022 – 2022/0155(COD))

AM_Com_LegReport

Amendment 1333
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 20 – title

Text proposed by the Commission

20 ***Victims'*** right to information

Amendment

20 ***Survivors'*** right to information ***and support***

Or. en

Amendment 1334
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 20 – title

Text proposed by the Commission

Victims' right to information

Amendment

Victims' right to information ***and support***

Or. en

Amendment 1335
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 20 – title

Text proposed by the Commission

Victims' right to information

Amendment

Survivors' right to information

Or. en

Amendment 1336
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Persons ***residing*** in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they ***reside***, information regarding any

Amendment

Victims of child sexual abuse material hosted or disseminated in the Union or their representatives and persons in the Union shall have the right to receive, upon their request, from the Coordinating

instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.

Authority designated by the Member State where they ***are or a Coordinating Authority of their choosing, easily understandable and accessible*** information regarding any ***known*** instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. ***The right shall cover both an occasional information as well as a periodic information.*** Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them. ***The information in question shall be given in the language indicated by that person.***

Or. en

Amendment 1337

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.

Amendment

Any survivor, including child survivors and, after obtaining consent of the child, a parent of child survivors or their legal representative, residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, ***age-appropriate*** information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12 ***and referral to support services.*** Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.

Or. en

Amendment 1338

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.

Amendment

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them. . ***The information shall be provided to the persons requesting it in a confidential, easily understandable and accessible manner.***

Or. en

Amendment 1339

Annalisa Tardino

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.

Amendment

Victims of abuse residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them ***by staff adequately trained for such delicate task.***

Or. en

Amendment 1340

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Abir Al-Sahlani, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.

Amendment

Victims residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information **and the referral to support** regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.

Or. en

Amendment 1341
Carles Puigdemont i Casamajó
Proposal for a regulation
Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.

Amendment

Victims shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where they reside, information regarding any instances where the dissemination of known child sexual abuse material depicting them is reported to the EU Centre pursuant to Article 12. Persons with disabilities shall have the right to ask and receive such an information in a manner accessible to them.

Or. en

Amendment 1342
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 20 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Coordinating Authority shall ensure that survivors, including child survivors

and parents of child survivors, are informed about survivor support services where the survivors can receive age-appropriate and gender-sensitive information and support.

Or. en

Amendment 1343
Annalisa Tardino
Proposal for a regulation
Article 20 – paragraph 1 – subparagraph 2

Text proposed by the Commission

That Coordinating Authority shall transmit the request to the EU Centre through the system established in accordance with Article 39(2) and shall communicate the results received from the EU Centre to the *person* making the request.

Amendment

That Coordinating Authority shall transmit the request to the EU Centre through the system established in accordance with Article 39(2) and shall communicate the results received from the EU Centre to the *victim* making the request.

Or. en

Amendment 1344
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 20 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Victims of child sexual abuse or their representatives and persons living in the Union shall have the right to receive, upon their request, from the Coordinating Authority information regarding victim's rights, support and assistance. The information shall be age-appropriate, accessible and gender-sensitive and shall include at a minimum:

(a) the type of support they can obtain and from whom, including, where relevant, basic information about access to medical support, any specialist support, including psychological or social support, and alternative accommodation;

(b) the procedures for making complaints

with regard to a criminal offence and their role in connection with such procedures;

(c) how and under what conditions they can obtain protection, including protection measures;

(d) how and under what conditions they can access legal advice, legal aid and any other sort of advice;

(e) how and under what conditions they can access compensation;

(f) how and under what conditions they are entitled to interpretation and translation.

Or. en

Amendment 1345

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 20 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. In case a victim or victim representative indicates the preference for a periodic request, the Coordinating Authority shall submit, without delay, the information referred to in paragraph 3 proactively to the requester after the first submitted reply, in any new instances of reports referred to in paragraph 1 on a weekly basis. Victims or victim representatives may terminate the periodic request at any time by notifying the Coordinating Authority in question.

Or. en

Amendment 1346

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 20 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) where applicable, the individual or entity that is to receive the information on behalf of the person making the request;

(b) where applicable, the individual or entity ***formally assisting or representing the person*** that is to receive the information on behalf of the person making the request, ***with verifiable proof of approval of the person making the request***;

Or. en

Amendment 1347

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 20 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) sufficient elements to ***demonstrate the identity*** of the person making the request.

(c) sufficient elements to ***verify that the child sexual abuse material in question matches with*** of the person making the request;

Or. en

Amendment 1348

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 20 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) an indication if the request is occasional or covers a certain time period.

Or. en

Amendment 1349

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 20 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) whether the provider reported having removed or disabled access to the material, in accordance with Article 13(1), point (i).

(d) whether the provider reported having removed or disabled access to the material, in accordance with Article 13(1), point (i), ***and in that case, all related information;***

Or. en

Amendment 1350
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 20 – paragraph 3 – point d

Text proposed by the Commission

(d) whether the provider reported having removed ***or disabled access to*** the material, in accordance with Article 13(1), point (i).

Amendment

(d) whether the provider reported having removed the material, in accordance with Article 13(1), point (i).

Or. en

Amendment 1351
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 20 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) information regarding age-appropriate and gender-sensitive survivor support services to provide the child, family and survivors with adequate emotional and psychosocial support as well as practical and legal assistance.

Or. en

Amendment 1352
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 20 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) if there were appeals to such removal, and in that case, all related information

Amendment 1353

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 20 – paragraph 3 – point d b (new)

Text proposed by the Commission

Amendment

(db) relevant age-appropriate, accessible and gender-sensitive information on victim support and assistance in the victim's region.

Amendment 1354

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 21 – title

Text proposed by the Commission

Amendment

Victims' right of assistance and support for removal

Survivors' right of assistance and support for removal

Amendment 1355

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 21 – title

Text proposed by the Commission

Amendment

Victims' right of assistance and support for removal

Survivors' right of assistance and support for removal

Amendment 1356

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. Providers of hosting services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.

deleted

Or. en

Justification

This task requires dealing with victims, but providers are not trained in this.

Amendment 1357

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.

Amendment

1. Providers of hosting services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known **or new** child sexual abuse material depicting them removed or to have access thereto disabled by the provider **complemented in a timely matter and, if possible and appropriate, also included in the list of indicators used to prevent the further dissemination of these items and submitted to the Coordinating Authority in accordance with Article 36.**

Or. en

Amendment 1358

Annalisa Tardino

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services shall provide **reasonable** assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material

Amendment

1. Providers of hosting services shall provide **adequate** assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them

depicting them removed or to have access thereto disabled by the provider.

removed or to have access thereto disabled by the provider. ***The assistance shall be provided by staff specifically trained to interact with victims of serious abuses.***

Or. en

Amendment 1359

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. Providers of **hosting** services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.

Amendment

1. Providers of **relevant information society** services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed or to have access thereto disabled by the provider.

Or. en

Amendment 1360

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. Providers of hosting services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed ***or to have access thereto disabled*** by the provider.

Amendment

1. Providers of hosting services shall provide reasonable assistance, on request, to persons residing in the Union that seek to have one or more specific items of known child sexual abuse material depicting them removed by the provider.

Or. en

Amendment 1361

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Each Member State shall ensure the functioning of hotlines, including through funding and capacity building, in order for victims and their families to receive support from the competent authority in a timely manner.

Or. en

Amendment 1362

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider of hosting services remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.

Amendment

Victims of child sexual abuse material hosted or disseminated in the Union or their representatives or persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides ***or the Coordinating Authority of their choosing, age appropriate and gender-sensitive information on support for removal, including support from civil society organisations, hotlines and*** from the EU Centre when they seek to have a provider of hosting ***services or publicly available number-independent interpersonal communications*** services remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.

Or. en

Amendment 1363

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Abir Al-Sahlani, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider of hosting services remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.

Victims residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider of hosting services remove or disable access to one or more specific items of known child sexual abuse material depicting them ***taking into account the vulnerabilities of the person depicted***. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them. ***All professionals likely to come into contact with child victims of sexual abuse online should be adequately trained and able to recognise and address the specific needs of victims.***

Or. en

Amendment 1364
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider of hosting services ***remove or disable access to*** one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.

Amendment

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider of hosting services one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them. ***The information shall be provided to the persons requesting it in a confidential, easily understandable and accessible way.***

Or. en

Amendment 1365
Annalisa Tardino
Proposal for a regulation
Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the **person** resides, support from the EU Centre when they seek to have a provider of hosting services remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.

Amendment

Victims residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the **victim** resides, support from the EU Centre when they seek to have a provider of hosting services remove or disable access to one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.

Or. en

Amendment 1366
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider of hosting services remove **or disable access to** one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.

Amendment

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider of hosting services remove one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.

Or. en

Amendment 1367**Paul Tang, Alex Agius Saliba, Birgit Sippel****Proposal for a regulation****Article 21 – paragraph 2 – subparagraph 1***Text proposed by the Commission*

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider of hosting services remove **or *disable access to*** one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.

Amendment

Persons residing in the Union shall have the right to receive, upon their request, from the Coordinating Authority designated by the Member State where the person resides, support from the EU Centre when they seek to have a provider of hosting services remove one or more specific items of known child sexual abuse material depicting them. Persons with disabilities shall have the right to ask and receive any information relating to such support in a manner accessible to them.

Or. en

Amendment 1368**Alessandra Mussolini****Proposal for a regulation****Article 21 – paragraph 2 – point 1 (new)***Text proposed by the Commission**Amendment*

(1) Gli Stati Membri dovranno prevedere un fondo di sostegno per le vittime di abusi. Tale fondo dovrà fornire assistenza legale e dovrà attivarsi solo dopo che il Centro dell'UE abbia comprovato un' effettiva violazione ai sensi dell' articolo 1 del presente regolamento.

Or. it

Amendment 1369**Patrick Breyer**

on behalf of the Verts/ALE Group

Proposal for a regulation**Article 21 – paragraph 3***Text proposed by the Commission**Amendment*

3. The requests referred to in paragraphs 1 and 2 shall indicate the relevant item or items of child sexual abuse material.

3. The requests referred to in paragraphs 1 and 2 shall indicate the relevant item or items of child sexual abuse material ***and any other relevant information.***

Or. en

Amendment 1370

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 21 – paragraph 4 – point b

Text proposed by the Commission

(b) verifying whether the provider removed ***or disabled access to*** that item or those items, including by conducting the searches referred to in Article 49(1);

Amendment

(b) verifying whether the provider removed that item or those items, including by conducting the searches referred to in Article 49(1);

Or. en

Amendment 1371

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 21 – paragraph 4 – point b

Text proposed by the Commission

(b) verifying whether the provider removed ***or disabled access to*** that item or those items, including by conducting the searches referred to in Article 49(1);

Amendment

(b) verifying whether the provider removed that item or those items, including by conducting the searches referred to in Article 49(1);

Or. en

Amendment 1372

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 21 – paragraph 4 – point d

Text proposed by the Commission

(d) where necessary, informing the

Amendment

(d) where necessary, informing the

Coordinating Authority of establishment of the presence of that item or those items on the service, with a view to the issuance of a removal order pursuant to Article 14.

Coordinating Authority of establishment of the presence of that item or those items on the *provider's* service, with a view to the issuance of a removal order pursuant to Article 14 *and the obligations under Article 21;*

Or. en

Amendment 1373

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 21 – paragraph 4 – point d a (new)

Text proposed by the Commission

Amendment

(da) information regarding victim's rights, assistance and support pursuant to Article 21.

Or. en

Amendment 1374

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21a

Right to lodge a complaint with a supervisory authority

1. Without prejudice to any other administrative or judicial remedy, every user shall have the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringement if the user considers that the processing of personal data relating to him or her infringes this Regulation or Regulation (EU) 2016/679.

2. The supervisory authority with which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint

including the possibility of a judicial remedy pursuant to Article 21b.

Or. en

Amendment 1375

Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 21 b (new)

Text proposed by the Commission

Amendment

Article 21b

Right to an effective judicial remedy against a provider of a hosting services or a providers of a number-independent interpersonal communications service

1. Without prejudice to any available administrative or non-judicial remedy, including the right to lodge a complaint with a supervisory authority pursuant to 21a, each user shall have the right to an effective judicial remedy where he or she considers that his or her rights under this Regulation have been infringed as a result of the processing of his or her personal data in non-compliance with this Regulation or Regulation (EU) 2016/679.

2. Proceedings against a provider of a hosting service or a provider of a number-independent interpersonal communications service shall be brought before the courts of the Member State where the provider has an establishment. Alternatively, such proceedings may be brought before the courts of the Member State where the user has his or her habitual residence.

Or. en

Amendment 1376

Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 22 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Providers of hosting services and providers of interpersonal communications services shall preserve the content data and other data processed in connection to the measures taken to comply with this Regulation and the personal data generated through such processing, only for one or more of the following purposes, as applicable:

Amendment

Providers of hosting services and providers of ***number-independent*** interpersonal communications services shall preserve the content data and other data processed in connection to the measures taken to comply with this Regulation and the personal data generated through such processing, only for one or more of the following purposes, as applicable:

Or. en

Amendment 1377

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Providers of hosting services and providers of interpersonal communications services shall preserve the content data and other data processed in connection to the measures taken to comply with this Regulation and the personal data generated through such processing, only for one or more of the following purposes, as applicable:

Amendment

Providers of hosting services and providers of ***number-independent*** interpersonal communications services shall preserve the content data and other data processed in connection to the measures taken to comply with this Regulation and the personal data generated through such processing, only for one or more of the following purposes, as applicable:

Or. en

Amendment 1378

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Providers of hosting services and providers of interpersonal communications services shall preserve the content data and other data processed in connection to the measures taken to comply with this

Amendment

Providers of hosting services and providers of ***number-independent*** interpersonal communications services shall preserve the content data and other data processed in connection to the measures taken to

Regulation and the personal data generated through such processing, only for one or more of the following purposes, as applicable:

comply with this Regulation and the personal data generated through such processing, only for one or more of the following purposes, as applicable:

Or. en

Amendment 1379

Rob Rooker

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Providers of hosting services and providers of interpersonal communications services shall preserve the content data and other data processed in connection to the measures taken to comply with this Regulation and the personal data generated through such processing, only for one or more of the following purposes, as applicable:

Providers of hosting services and providers of ***number independent*** interpersonal communications services shall preserve the content data and other data processed in connection to the measures taken to comply with this Regulation and the personal data generated through such processing, only for one or more of the following purposes, as applicable:

Or. en

Amendment 1380

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) executing ***a detection order issued pursuant to Article 7, or*** a removal order issued pursuant to Article 14;

(a) executing a removal order issued pursuant to Article 14;

Or. en

Amendment 1381

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) ***blocking the account of, or suspending or terminating the provision of the service to, the user concerned;***

deleted

Amendment 1382

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

(e) responding to requests issued by competent law enforcement authorities and judicial authorities in accordance with the applicable law, with a view to providing them with the necessary information for the prevention, detection, investigation or prosecution of child sexual abuse offences, insofar as the content data and other data relate to a report that the provider has submitted to the EU Centre pursuant to Article 12.

Amendment

(e) responding to requests issued by competent law enforcement authorities and judicial authorities in accordance with the applicable law, with a view to providing them with the necessary information for the prevention, detection, investigation or prosecution of child sexual abuse offences, insofar as the content data and other data relate to a report that the provider has submitted to the EU Centre pursuant to Article 12. ***All such requests shall be logged.***

Amendment 1383

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 2

Text proposed by the Commission

As regards the first subparagraph, point (a), the provider may also preserve the information for the purpose of improving the effectiveness and accuracy of the technologies to detect online child sexual abuse for the execution of a detection order issued to it in accordance with Article 7. However, it shall not store any personal data for that purpose.

Amendment

deleted

Justification

The EDPB and EDPS consider in their Opinion it might be difficult to ensure in practice that no personal data are stored for that purpose, as most content data and other data processed for detection purposes is likely to qualify as personal data

Amendment 1384

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

As regards the first subparagraph, point (a), the provider may also preserve the information for the purpose of improving the effectiveness and accuracy of the technologies to detect online child sexual abuse for the execution of a detection order issued to it in accordance with Article 7. However, it shall not store any personal data for that purpose.

deleted

Or. en

Amendment 1385

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

As regards the first subparagraph, point (a), the provider may also preserve the information for the purpose of improving the effectiveness and accuracy of the technologies to detect online child sexual abuse for the execution of a detection order issued to it in accordance with Article 7. However, it shall not store any personal data for that purpose.

deleted

Or. en

Amendment 1386

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 22 – paragraph 1 – subparagraph 2

Text proposed by the Commission

As regards the first subparagraph, point (a), the provider ***may also preserve the information for the purpose of improving the effectiveness and accuracy of the*** technologies to detect online child sexual abuse for the execution of a detection order issued to it in accordance with Article 7. ***However, it shall not store any*** personal data for that purpose.

Amendment

As regards the first subparagraph, point (a), the provider ***who uses its own detection*** technologies to detect online child sexual abuse for the execution of a detection order issued to it in accordance with Article 7 ***may also preserve the information for the purpose of improving the effectiveness and accuracy of these technologies, if the*** personal data ***preserved this way is fully anonymised. No personal data shall be retained*** for that purpose.

Or. en

Justification

EDPS-EDPB opinion para 94-95

Amendment 1387

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Providers shall preserve the information referred to in paragraph 1 for no longer than necessary for the applicable purpose and, in any event, no longer than 12 months from the date of the reporting or of the removal or disabling of access, whichever occurs first.

Amendment

Providers shall ***securely*** preserve the information referred to in paragraph 1 for no longer than necessary for the applicable purpose and, in any event, no longer than 12 months from the date of the reporting or of the removal or disabling of access, whichever occurs first.

Or. en

Amendment 1388

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Providers shall preserve the information referred to in paragraph 1 for no longer than necessary for the applicable purpose

Amendment

Providers shall preserve the information referred to in paragraph 1 for no longer than necessary for the applicable purpose

and, in any event, no longer than 12 months from the date of the reporting or of the removal **or disabling of access**, whichever occurs first.

and, in any event, no longer than 12 months from the date of the reporting or of the removal, whichever occurs first.

Or. en

Amendment 1389

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Providers shall ensure that the information referred to in paragraph 1 is preserved in **a** secure **manner** and that the preservation is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the information can be accessed and processed only for the purpose for which it is preserved, that a high level of security is achieved and that the information is deleted upon the expiry of the applicable time periods for preservation. Providers shall regularly review those safeguards and adjust them where necessary.

Amendment

Providers shall ensure that the information referred to in paragraph 1 is preserved in **an encrypted or protected in a similarly** secure **way** and that the preservation is subject to **state of the art** appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the information can be accessed and processed only for the purpose for which it is preserved, **that unauthorised access to, and unauthorised transfers of, such personal data and other data are prevented**, that a high level of security is achieved and that the information is deleted upon the expiry of the applicable time periods for preservation. Providers shall regularly review those safeguards and adjust them where necessary.

Or. en

Amendment 1390

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 22 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Providers shall ensure that the information

Amendment

Providers shall ensure that the information

referred to in paragraph 1 is preserved in a secure manner and that the preservation is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the information can be accessed and processed only for the purpose for which it is preserved, that a high level of security is achieved and that the information is deleted upon the expiry of the applicable time periods for preservation. Providers shall regularly review those safeguards and adjust them where necessary.

referred to in paragraph 1 is preserved in a secure manner and that the preservation is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the information can be accessed and processed only for the purpose for which it is preserved, that a high level of security is achieved, ***all access to the data is logged***, and that the information is deleted upon the expiry of the applicable time periods for preservation. Providers shall regularly review those safeguards and adjust them where necessary.

Or. en

Amendment 1391

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Abir Al-Sahlani, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

1. Providers of relevant information society services shall establish a single point of contact allowing for direct communication, by electronic means, with the Coordinating Authorities, other competent authorities of the Member States, the Commission and the EU Centre, for the application of this Regulation.

Amendment

1. ***As referred to in Article 12 of the Digital Service Act Regulation***, providers of relevant information society services shall establish a single point of contact allowing for direct communication, by electronic means, with the Coordinating Authorities, other competent authorities of the Member States, the Commission and the EU Centre, for the application of this Regulation.

Or. en

Amendment 1392

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 24 – paragraph 3

Text proposed by the Commission

3. The provider shall mandate its legal representatives to be addressed in addition to or instead of the provider by the Coordinating Authorities, other competent

Amendment

3. The provider shall mandate its legal representatives to be addressed in addition to or instead of the provider by the Coordinating Authorities, other competent

authorities of the Member States and the Commission on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation, ***including detection orders, removal orders and blocking orders.***

authorities of the Member States and the Commission on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation.

Or. en

Amendment 1393

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

Proposal for a regulation

Article 24 a (new)

Text proposed by the Commission

Amendment

Article 24a

Anonymous public reporting of online child sexual abuse

1. Member States shall ensure that the public has the possibility to anonymously report child sexual abuse material and child sexual exploitation activities to recognised non-governmental organisations specialised in combatting online child sexual abuse material.

2. Member States shall ensure that hotlines operating in their territory are authorised to view, assess and process anonymous reports of child sexual abuse material.

3. Member States shall grant hotlines the authority to issue content removal notices for confirmed instances of child sexual abuse material.

4. Member States shall authorise hotlines to voluntarily conduct pro-active searching for child sexual abuse material online.

Or. en

Amendment 1394

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

1. Member States shall, by [Date - two months from the date of entry into force of this Regulation], designate one or more competent authorities as responsible for the application and enforcement of this Regulation ('competent authorities').

Amendment

1. Member States shall, by [Date - two months from the date of entry into force of this Regulation], designate one or more competent authorities as responsible for the application and enforcement of this Regulation ***and to the achievement of the objective of this Regulation and enforcement of Directive 2011/93/EU*** ('competent authorities').

Or. en

Amendment 1395
Vincenzo Sofo, Jadwiga Wiśniewska
Proposal for a regulation
Article 25 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States ***shall, by the date referred to in paragraph 1***, designate one of ***the*** competent authorities as their Coordinating Authority for child sexual abuse issues ('Coordinating Authority').

Amendment

Where Member States ***designate more than one competent authority, it shall appoint*** one of ***those*** competent authorities as their Coordinating Authority for child sexual abuse issues ('Coordinating Authority'). ***Where they designate only one competent authority, that competent authority shall be the Coordinating Authority.***

Or. en

Amendment 1396
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 25 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Coordinating Authority shall be responsible for all matters related to application and enforcement of this Regulation in the Member State concerned, unless that Member State has assigned certain specific tasks or sectors to other

Amendment

The Coordinating Authority shall be responsible for all matters related to application and enforcement of this Regulation in the Member State concerned, unless that Member State has assigned certain specific tasks or sectors to other

competent authorities.

competent authorities. *The Coordinating Authority shall also be responsible for the coordination and adaptation of prevention techniques, elaborated by the EU Centre. The Coordinating Authority shall issue recommendations and good practices on improving digital skills and competences, including media literacy, amongst the population through the realization of awareness campaigns on a national level, targeting in particular parents and children on the detection and prevention of child sexual abuse online.*

Or. en

Amendment 1397

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 25 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Coordinating Authority shall be responsible for all matters related to application and enforcement of this Regulation in the Member State concerned, unless that Member State has assigned certain specific tasks or sectors to other competent authorities.

Amendment

The Coordinating Authority shall be responsible for all matters related to application and enforcement of this Regulation, *and to the achievement of the objective of this Regulation and enforcement of Directive 2011/93/EU* in the Member State concerned, unless that Member State has assigned certain specific tasks or sectors to other competent authorities.

Or. en

Amendment 1398

Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 25 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The Coordinating Authority shall in any event be responsible for ensuring coordination at national level in respect of those matters and for contributing to the effective, efficient and consistent

Amendment

The Coordinating Authority shall in any event be responsible for ensuring coordination *and overseeing the implementation* at national level in respect of those matters, *including issues related*

application and enforcement of this Regulation throughout the Union.

to prevention, education and awareness raising and the organisation of regular training activities for officials, including in law enforcement authorities who deal with cases which involve children, and for contributing to the effective, efficient and consistent application and enforcement of this Regulation throughout the Union.

Or. en

Amendment 1399

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 25 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The Coordinating Authority shall in any event be responsible for ensuring coordination at national level in respect of those matters and for contributing to the effective, efficient and consistent application and enforcement of this Regulation throughout the Union.

Amendment

The Coordinating Authority shall in any event be responsible for ensuring coordination at national level in respect of those matters *including issues related to prevention, education and awareness raising and the organisation of regular training activities for officials, including in law enforcement authorities who deal with cases which involve children* and for contributing to the effective, efficient and consistent application and enforcement of this Regulation throughout the Union.

Or. en

Amendment 1400

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 25 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The Coordinating Authority shall in any event be responsible for ensuring coordination at national level in respect of those matters and for contributing to the effective, efficient and consistent application and enforcement of this Regulation throughout the Union.

Amendment

The Coordinating Authority shall in any event be responsible for ensuring coordination at national level in respect of those matters, *including matters related to prevention*, and for contributing to the effective, efficient and consistent application and enforcement of this Regulation *and Directive 2011/93/EU*

throughout the Union.

Or. en

Amendment 1401

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 25 – paragraph 5

Text proposed by the Commission

5. Each Member State shall ensure that a contact point is designated or established within the Coordinating Authority's office to handle requests for clarification, feedback and other communications in relation to all matters ***related*** to the ***application*** and enforcement of ***this Regulation*** in that Member State. Member States shall make the information on the contact point ***publicly available*** and communicate ***it*** to the EU Centre. They shall keep that information updated.

Amendment

5. Each Member State shall ensure that a ***sufficiently staffed*** contact point is designated or established within the Coordinating Authority's office to handle requests for clarification, feedback and other communications in relation to all matters ***contributing*** to the ***achievements of the objective of this Regulation*** and enforcement of ***Directive 2011/93/EU*** in that Member State, ***including for trusted organisations providing assistance to victims and providing education and awareness raising***. Member States shall make the information on the contact point ***widely accessible through gender-sensitive and age-appropriate online and offline awareness raising campaigns*** and communicate ***this information*** to the EU Centre. They shall keep that information updated.

Or. en

Amendment 1402

Paul Tang, Alex Agius Saliba, Marcos Ros Sempere

Proposal for a regulation

Article 25 – paragraph 5

Text proposed by the Commission

5. Each Member State shall ensure that a contact point is designated or established within the Coordinating Authority's office to handle requests for clarification, feedback and other communications in relation to all matters related to the application and enforcement

Amendment

5. Each Member State shall ensure that a contact point is designated or established within the Coordinating Authority's office to handle requests for clarification, feedback and other communications in relation to all matters related to the application and enforcement

of this Regulation in that Member State. Member States shall make the information on the contact point publicly available *and* communicate it to the EU Centre. They shall keep that information updated.

of this Regulation in that Member State. Member States shall make the information on the contact point publicly available, *shall disseminate this information through gender-sensitive awareness raising campaigns in public places frequented by children, and girls in particular, and shall* communicate it to the EU Centre. They shall keep that information updated.

Or. en

Amendment 1403

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 25 – paragraph 6

Text proposed by the Commission

6. Within two weeks after the designation of the Coordinating Authorities pursuant to paragraph 2, the EU Centre shall set up an online register listing the Coordinating Authorities and their contact points. The EU Centre shall regularly publish any modification thereto.

Amendment

6. Within two weeks after the designation of the Coordinating Authorities pursuant to paragraph 2, the EU Centre shall set up an online *public* register listing the Coordinating Authorities and their contact points. The EU Centre shall regularly publish any modification thereto.

Or. en

Amendment 1404

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 25 – paragraph 7 – point a

Text proposed by the Commission

(a) *provide certain information or technical expertise on matters covered by this Regulation;*

Amendment

deleted

Or. en

Justification

The deleted text does not add clarity.

Amendment 1405
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 25 – paragraph 7 – point a

Text proposed by the Commission

(a) provide certain information ***or technical expertise*** on matters covered by this Regulation;

Amendment

(a) provide certain ***information on*** matters covered by this Regulation, ***including knowledge and expertise on appropriate prevention techniques against online solicitation of children and the dissemination of CSAM online.***

Or. en

Amendment 1406
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 25 – paragraph 7 – point a a (new)

Text proposed by the Commission

Amendment

(aa) provide information and expertise on gender-sensitive and age appropriate victim support and prevention of online child sexual abuse.

Or. en

Amendment 1407
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 25 – paragraph 7 – point b

Text proposed by the Commission

Amendment

(b) assist in assessing, in accordance with Article 5(2), the risk assessment conducted or updated or the mitigation measures taken by a provider of hosting or interpersonal communication services under the jurisdiction of the Member State that designated the requesting Coordinating Authority;

deleted

Justification

The deleted text does not add clarity.

Amendment 1408

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 25 – paragraph 7 – point b

Text proposed by the Commission

(b) assist in assessing, in accordance with Article 5(2), the risk assessment conducted or updated or the mitigation measures taken by a provider of hosting or interpersonal communication services under the jurisdiction of the Member State that designated the requesting Coordinating Authority;

Amendment

(b) assist in assessing, in accordance with Article 5(2), the risk assessment conducted or updated or the mitigation measures taken by a provider of hosting or ***number-independent*** interpersonal communication services under the jurisdiction of the Member State that designated the requesting Coordinating Authority;

Or. en

Amendment 1409

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 25 – paragraph 7 – point c

Text proposed by the Commission

(c) ***verify the possible need to request competent national authorities to issue a detection order, a removal order or a blocking order in respect of a service under the jurisdiction of the Member State that designated that Coordinating Authority;***

Amendment

deleted

Or. en

Justification

The deleted text does not add clarity.

Amendment 1410

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 25 – paragraph 7 – point c

Text proposed by the Commission

(c) verify the possible need to request competent national authorities to issue a ***detection order, a removal order or a blocking order*** in respect of a service under the jurisdiction of the Member State that designated that Coordinating Authority;

Amendment

(c) verify the possible need to request competent national authorities to issue a removal order in respect of a service under the jurisdiction of the Member State that designated that Coordinating Authority;

Or. en

Amendment 1411

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 25 – paragraph 7 – point c

Text proposed by the Commission

(c) verify the possible need to request competent national authorities to issue a detection ***order***, a removal order or a blocking order in respect of a service under the jurisdiction of the Member State that designated that Coordinating Authority;

Amendment

(c) verify the possible need to request competent national authorities to issue a detection ***warrant***, a removal order or a blocking order in respect of a service under the jurisdiction of the Member State that designated that Coordinating Authority;

Or. en

Amendment 1412

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 25 – paragraph 7 – point c

Text proposed by the Commission

Amendment

(c) verify the possible need to request competent national authorities to issue a detection order, a removal ***order or a blocking*** order in respect of a service under the jurisdiction of the Member State that designated that Coordinating Authority;

(c) verify the possible need to request competent national authorities to issue a detection order, a removal order in respect of a service under the jurisdiction of the Member State that designated that Coordinating Authority;

Or. en

Amendment 1413

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 25 – paragraph 7 – point d

Text proposed by the Commission

Amendment

(d) ***verify the effectiveness of a detection order or a removal order issued upon the request of the requesting Coordinating Authority.***

deleted

Or. en

Justification

The deleted text does not add clarity.

Amendment 1414

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 25 – paragraph 7 – point d

Text proposed by the Commission

Amendment

(d) verify the effectiveness of ***a detection order or*** a removal order issued upon the request of the requesting Coordinating Authority.

(d) verify the effectiveness of a removal order issued upon the request of the requesting Coordinating Authority.

Or. en

Amendment 1415

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 25 – paragraph 7 – point d a (new)

Text proposed by the Commission

Amendment

(da) provide knowledge and expertise on appropriate prevention techniques tailored by age and gender against online solicitation of children and the dissemination of child sexual abuse material online.

Or. en

Amendment 1416

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 25 – paragraph 8

Text proposed by the Commission

Amendment

8. The EU Centre shall provide such assistance free of charge and in accordance with its tasks and obligations under this Regulation ***and insofar as its resources and priorities allow.***

8. The EU Centre shall provide such assistance free of charge and in accordance with its tasks and obligations under this Regulation.

Or. en

Justification

This is either a function of the EU Centre or it is not.

Amendment 1417

Paul Tang, Alex Agius Saliba, Marcos Ros Sempere

Proposal for a regulation

Article 25 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. The EU Centre shall support Member States in designing preventive and gender-sensitive measures, such as awareness-raising campaigns to combat child sexual abuse, guaranteeing comprehensive sexuality and relationships education in all schools, introducing digital skills, literacy and safety online programs in formal education, ensuring the full availability of specialized support services tailored by

gender and age for child survivors of sexual abuse and children in vulnerable situations.

Or. en

Amendment 1418
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 25 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. In its contact with survivors or in any decision affecting survivors, the Coordinating Authority shall operate in an age-appropriate and gender-sensitive way that minimises risks to survivors, especially children, addresses harm of survivors and meets their needs. It shall operate in a victim and gender sensitive manner which prioritises recognising and listening to the survivor, avoids secondary victimisation and retraumatisation, and systematically focuses on their safety, rights, well-being, expressed needs and choices, and ensures they are treated in an empathetic, sensitive and non-judgmental way.

Or. en

Amendment 1419
Karolin Braunsberger-Reinhold
Proposal for a regulation
Article 25 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. In its engagement with victims and survivors or in any decision affecting victims and survivors, the Coordination Authority shall operate in a way that minimises risks to victims and survivors, especially children.

Or. en

Amendment 1420

Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 25 a (new)

Text proposed by the Commission

Amendment

Article 25a

Cooperation with third parties

Where necessary for the performance of its tasks under this Regulation, including the achievement of the objective of this regulation, and in order to promote the generation and sharing of knowledge in line with article 43 (6), the Coordinating Authority shall cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations and practitioners.

Or. en

Amendment 1421
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that the Coordinating Authorities that they designated perform their tasks under this Regulation in an objective, impartial, transparent and timely manner, while fully respecting ***the*** fundamental rights of all parties affected. Member States shall ensure that their Coordinating Authorities have adequate technical, financial and human resources to carry out their tasks.

1. Member States shall ensure that the Coordinating Authorities that they designated perform their tasks under this Regulation in an objective, impartial, transparent and timely manner, while fully respecting ***all*** fundamental rights of all parties affected. ***They shall also ensure that their Coordinating Authorities perform their tasks with utmost respect and sensitivity towards victims and their representatives, with a focus on avoidance of re-victimization, the safety of the victim and their needs.*** Member States shall ***also*** ensure that their Coordinating Authorities have adequate technical, financial and

human resources to carry out their tasks.

Or. en

Amendment 1422

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

Proposal for a regulation

Article 26 – paragraph 2 – point c

Text proposed by the Commission

(c) are free from any external influence, whether direct or indirect;

Amendment

(c) are free from any ***undue*** external influence, whether direct or indirect, ***it being understood that (a) the receipt of any type of financial aid by the Coordinating Authority and (b) the membership of the Coordinating Authority in a recognised international network shall not prejudice its independent character;***

Or. en

Amendment 1423

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 26 – paragraph 2 – point c

Text proposed by the Commission

(c) are free from any external influence, whether direct or indirect;

Amendment

(c) are free from any ***undue*** external influence, whether direct or indirect ***in line with their national legislation;***

Or. en

Amendment 1424

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 26 – paragraph 2 – point e

Text proposed by the Commission

(e) are not charged with tasks relating to the prevention or combating of child sexual abuse, other than their tasks under this Regulation.

Amendment

deleted

Amendment 1425

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

Proposal for a regulation

Article 26 – paragraph 2 – point e

Text proposed by the Commission

(e) *are not charged with tasks relating to the prevention or combating of child sexual abuse, other than their tasks under this Regulation.*

Amendment

(e) *have demonstrated competence, skills and experience in the area of combatting online child sexual abuse.*

Amendment 1426

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 26 – paragraph 4

Text proposed by the Commission

4. The Coordinating Authorities shall ensure that relevant members of staff have the required qualifications, experience and technical skills to perform their duties.

Amendment

4. The Coordinating Authorities shall ensure that relevant members of staff have the required qualifications, experience and technical skills to perform their duties *under this Regulation. They shall also ensure that members of staff coming into contact with victims are adequately and frequently trained in intersectional victim support.*

Amendment 1427

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 26 – paragraph 5

Text proposed by the Commission

5. The management and other staff of the Coordinating Authorities shall, in accordance with Union or national law, be subject to a duty of professional secrecy both during and after their term of office,

Amendment

5. *Without prejudice to national or Union legislation on whistleblower protection,* the management and other staff of the Coordinating Authorities shall, in accordance with Union or national law, be

with regard to any confidential information which has come to their knowledge in the course of the performance of their tasks. Member States shall ensure that the management and other staff are subject to rules guaranteeing that they can carry out their tasks in an objective, impartial and independent manner, in particular as regards their appointment, dismissal, remuneration and career prospects.

subject to a duty of professional secrecy both during and after their term of office, with regard to any confidential information which has come to their knowledge in the course of the performance of their tasks. Member States shall ensure that the management and other staff are subject to rules guaranteeing that they can carry out their tasks in an objective, impartial and independent manner, in particular as regards their appointment, dismissal, remuneration and career prospects.

Coordinating Authorities shall take into account the application of Directive 2021/93/EU on Pay Transparency.

Or. en

Amendment 1428

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

1. ***Where needed for carrying out their tasks***, Coordinating Authorities shall have the following powers ***of investigation***, in respect of providers of relevant information society services under the jurisdiction of the Member State that designated them:

Amendment

1. Coordinating Authorities shall have the following ***investigatory*** powers in respect of providers of relevant information society services under the jurisdiction of the Member State that designated them:

Or. en

Amendment 1429

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 27 – paragraph 1 – point a

Text proposed by the Commission

(a) ***the power to require those providers, as well as any other persons acting for purposes related to their trade, business, craft or profession that may reasonably be aware of information relating to a suspected infringement of***

Amendment

deleted

this Regulation, to provide such information within a reasonable time period;

Or. en

Amendment 1430

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 27 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the power to require those providers, as well as any other persons acting for purposes related to their trade, business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, to provide such information within *a reasonable time period*;

(a) the power to require those providers, as well as any other persons acting for purposes related to their trade, business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, to provide such information within *undue delay*;

Or. en

Amendment 1431

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 27 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) *the power to carry out on-site inspections of any premises that those providers or the other persons referred to in point (a) use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement of this Regulation in any form, irrespective of the storage medium;*

deleted

Or. en

Amendment 1432

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 27 – paragraph 1 – point b

Text proposed by the Commission

(b) the power to carry out on-site inspections of any premises that those providers or the other persons referred to in point (a) use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement of this Regulation in any form, irrespective of the storage medium;

Amendment

(b) the power to carry out, ***or to request an independent judicial authority in their Member State to order remote or*** on-site inspections of any premises that those providers or the other persons referred to in point (a) use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement of this Regulation in any form, irrespective of the storage medium;

Or. en

Amendment 1433

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 27 – paragraph 1 – point c

Text proposed by the Commission

(c) ***the power to ask any member of staff or representative of those providers or the other persons referred to in point (a) to give explanations in respect of any information relating to a suspected infringement of this Regulation and to record the answers;***

Amendment

deleted

Or. en

Amendment 1434

Alessandra Mussolini

Proposal for a regulation

Article 27 – paragraph 1 – point c

Text proposed by the Commission

c) il potere di chiedere a qualsiasi membro del personale o rappresentante di detti prestatori, o delle altre persone di cui alla lettera a), di dare spiegazioni in merito

Amendment

c) ***in accordo con la legislazione nazionale***, il potere di chiedere a qualsiasi membro del personale o rappresentante di detti prestatori, o delle altre persone di cui

a qualsiasi informazione relativa a una presunta violazione del presente regolamento, e di registrarne le risposte;

alla lettera a), di dare spiegazioni in merito a qualsiasi informazione relativa a una presunta violazione del presente regolamento, e di registrarne le risposte;

Or. it

Amendment 1435

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 27 – paragraph 1 – point d

Text proposed by the Commission

(d) the power to request information, **including** to assess *whether the measures taken to execute a detection order, removal order or blocking order comply* with the requirements of this Regulation.

Amendment

(d) the power to request information, to assess **compliance** with the requirements of this Regulation.

Or. en

Amendment 1436

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 27 – paragraph 1 – point d

Text proposed by the Commission

(d) the power to request information, including to assess whether the measures taken to execute a **detection order**, removal **order or blocking** order comply with the requirements of this Regulation.

Amendment

(d) the power to request information **from the service provider**, including to assess whether the measures taken to execute a removal order comply with the requirements of this Regulation.

Or. en

Amendment 1437

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 27 – paragraph 2

Text proposed by the Commission

2. Member States may grant additional investigative powers to the Coordinating Authorities.

Amendment

deleted

Amendment 1438

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 28 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. ***Where needed for carrying out their tasks***, Coordinating Authorities shall have the following enforcement powers, in respect of providers of relevant information society services under the jurisdiction of the Member State that designated them:

1. Coordinating Authorities shall have the following enforcement powers, in respect of providers of relevant information society services under the jurisdiction of the Member State that designated them:

Or. en

Amendment 1439

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 28 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) ***the power to accept the commitments offered by those providers in relation to their compliance with this Regulation and to make those commitments binding;***

deleted

Or. en

Amendment 1440

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 28 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the power to order the cessation of infringements of this Regulation ***and, where appropriate, to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end;***

(b) the power to order the cessation of infringements of this Regulation;

Or. en

Amendment 1441

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 28 – paragraph 1 – point b

Text proposed by the Commission

(b) the power to order the cessation of infringements of this Regulation and, **where appropriate**, to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end;

Amendment

(b) the power to order **specific measures to bring about** the cessation of infringements of this Regulation and to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end;

Or. en

Amendment 1442

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 28 – paragraph 1 – point c

Text proposed by the Commission

(c) the power to impose fines, or request a judicial authority in their Member State to do so, in accordance with Article 35 for infringements of this Regulation, **including non-compliance with any of the orders issued pursuant to Article 27 and to point (b) of this paragraph**;

Amendment

(c) the power to impose fines, or request a judicial authority in their Member State to do so, in accordance with Article 35 for infringements of this Regulation;

Or. en

Amendment 1443

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 28 – paragraph 1 – point c

Text proposed by the Commission

(c) the power to impose fines, **or request a judicial authority in their Member State to do so**, in accordance with Article 35 for infringements of this Regulation, including non-compliance with any of the orders issued pursuant to Article 27 and to point (b) of this paragraph;

Amendment

(c) the power to impose fines in accordance with Article 35 for infringements of this Regulation, including non-compliance with any of the orders issued pursuant to Article 27 and to point (b) of this paragraph;

Amendment 1444

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 28 – paragraph 1 – point e

Text proposed by the Commission

(e) the power to adopt interim measures to ***avoid the risk of*** serious harm.

Amendment

(e) the power to adopt ***appropriate, reasonable, and proportionate*** interim measures to ***prevent*** serious harm.

Amendment 1445

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 28 – paragraph 2

Text proposed by the Commission

2. Member States may grant additional enforcement powers to the Coordinating Authorities.

Amendment

deleted

Amendment 1446

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 28 – paragraph 3

Text proposed by the Commission

3. As regards paragraph 1, points (c) and (d), Coordinating Authorities shall have the enforcement powers set out in those points also in respect of the other persons referred to in Article 27, for failure to comply with any of the orders issued to them pursuant to that Article.

Amendment

deleted

Amendment 1447

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 28 – paragraph 4

Text proposed by the Commission

Amendment

4. They shall only exercise those enforcement powers after having provided those other persons in good time with all relevant information relating to such orders, including the applicable time period, the fines or periodic payments that may be imposed for failure to comply and redress possibilities.

deleted

Or. en

Amendment 1448
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 29

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1449
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 29 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Where needed for carrying out their tasks, Coordinating Authorities shall have the additional enforcement powers referred to in paragraph 2, in respect of providers of relevant information society services under the jurisdiction of the Member State that designated them, provided that:

1. Coordinating Authorities shall have the additional enforcement powers referred to in paragraph 2 **of this Article**, in respect of providers of relevant information society services under the jurisdiction of the Member State that designated them, provided that:

Or. en

Amendment 1450
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation

Article 29 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the infringement persists;

(b) the infringement persists **and**

Or. en

Amendment 1451

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 29 – paragraph 2 – point a – point i

Text proposed by the Commission

Amendment

(i) adopt and submit an action plan setting out the necessary measures to terminate the infringement;

(i) adopt and submit an action plan setting out the necessary measures to terminate the infringement, ***subject to the approval of the Coordinating Authority***;

Or. en

Amendment 1452

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 29 – paragraph 2 – point b – introductory part

Text proposed by the Commission

Amendment

(b) request the competent judicial ***authority or independent administrative*** authority of the Member State that designated the Coordinating Authority to order the temporary restriction of access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place, where the Coordinating Authority considers that:

(b) request the competent judicial authority of the Member State that designated the Coordinating Authority to order the temporary restriction of access of users of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider on which the infringement takes place, where the Coordinating Authority considers that:

Or. en

Amendment 1453

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 29 – paragraph 2 – point b – point ii

Text proposed by the Commission

(ii) the infringement persists and causes serious harm;

Amendment

(ii) the infringement persists and causes serious harm ***that is greater than the likely harm to users relying on the service for legal purposes and;***

Or. en

Amendment 1454

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 29 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The temporary restriction shall apply for a period of four weeks, subject to the possibility for the competent judicial authority, ***in its order, to allow the Coordinating Authority*** to extend that period for further periods of the same lengths, subject to a maximum number of extensions set by that judicial authority.

Amendment

The temporary restriction shall apply for a period of four weeks, subject to the possibility for the competent judicial authority, to extend that period for further periods of the same lengths, subject to a maximum number of extensions set by that judicial authority.

Or. en

Amendment 1455

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 29 – paragraph 4 – subparagraph 3 – point a

Text proposed by the Commission

(a) the provider has failed to take ***the*** necessary measures to terminate the infringement;

Amendment

(a) the provider has failed to take necessary ***and proportionate*** measures to terminate the infringement; ***and***

Or. en

Amendment 1456

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

1. The measures taken by the Coordinating Authorities in the exercise of their investigatory and enforcement powers referred to in Articles 27, **28 and 29** shall be effective, dissuasive and proportionate, having regard, in particular, to the nature, gravity, recurrence and duration of the infringement of this Regulation or suspected infringement to which those measures relate, as well as the economic, technical and operational capacity of the provider of relevant information society services concerned, where applicable.

Amendment

1. The measures taken by the Coordinating Authorities in the exercise of their investigatory and enforcement powers referred to in Articles 27 **and 28** shall be effective, dissuasive and proportionate, having regard, in particular, to the nature, gravity, recurrence and duration of the infringement of this Regulation or suspected infringement to which those measures relate, as well as the economic, technical and operational capacity of the provider of relevant information society services concerned, where applicable.

Or. en

Amendment 1457

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 30 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that any exercise of the investigatory and enforcement powers referred to in Articles 27, 28 and 29 is subject to adequate safeguards laid down in the applicable national law to respect the fundamental rights of all parties affected. In particular, those measures shall **only** be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all parties affected.

Amendment

2. Member States shall ensure that any exercise of the investigatory and enforcement powers referred to in Articles 27, 28 and 29 is subject to adequate safeguards laid down in the applicable national law to respect the fundamental rights of all parties affected. In particular, those measures shall **be targeted and precise**, be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all parties affected.

Or. en

Amendment 1458

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 30 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that any exercise of the investigatory and enforcement powers referred to in Articles 27, **28 and 29** is subject to adequate safeguards laid down in the applicable national law to respect the fundamental rights of all parties affected. In particular, those measures shall only be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all parties affected.

2. Member States shall ensure that any exercise of the investigatory and enforcement powers referred to in Articles 27 **and 28** is subject to adequate safeguards laid down in the applicable national law to respect the fundamental rights of all parties affected. In particular, those measures shall only be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all parties affected.

Or. en

Amendment 1459

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

Coordinating Authorities shall have the power to carry out searches on publicly accessible material on hosting services to detect the dissemination of known **or new** child sexual abuse material, using the indicators contained in the databases referred to in Article 44(1), points (a) **and (b), where necessary to verify whether the providers of hosting services under the jurisdiction of the Member State that designated the Coordinating Authorities comply with their obligations under this Regulation.**

Amendment

Coordinating Authorities shall have the power to carry out searches on publicly accessible material on hosting services to detect the dissemination of known child sexual abuse material, using the indicators contained in the databases referred to in Article 44(1), points (a) .

Or. en

Amendment 1460

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

Amendment

Coordinating Authorities shall have the power to carry out searches on publicly accessible material on hosting services to detect the dissemination of known *or new* child sexual abuse material, *using the indicators contained in the databases referred to in Article 44(1), points (a) and (b)*, where necessary to verify whether the providers of hosting services under the jurisdiction of the Member State that designated the Coordinating Authorities comply with their obligations under this Regulation.

Coordinating Authorities shall have the power to carry out searches on publicly accessible material on hosting services to detect the dissemination of known child sexual abuse material, where necessary to verify whether the providers of hosting services under the jurisdiction of the Member State that designated the Coordinating Authorities comply with their obligations under this Regulation.

Or. en

Amendment 1461

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 32

Text proposed by the Commission

Amendment

Article 32

deleted

Notification of known child sexual abuse material

Coordinating Authorities shall have the power to notify providers of hosting services under the jurisdiction of the Member State that designated them of the presence on their service of one or more specific items of known child sexual abuse material and to request them to remove or disable access to that item or those items, for the providers' voluntary consideration.

The request shall clearly set out the identification details of the Coordinating Authority making the request and information on its contact point referred to in Article 25(5), the necessary information for the identification of the item or items of known child sexual abuse material concerned, as well as the reasons for the request. The request shall also

clearly state that it is for the provider's voluntary consideration.

Or. en

Justification

Any individual, company, organisation or body has this power. This provision has no effect other than to permit Coordinating Authorities to submit informal notices, moving the decision-making out of their specialised hands and into the non-specialised hands of providers. They should send removal orders instead.

Amendment 1462
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 32 – paragraph 1

Text proposed by the Commission

Coordinating Authorities shall have the power to notify providers of hosting services under the jurisdiction of the Member State that designated them of the presence on their service of one or more specific items of known child sexual abuse material and to request them to remove ***or disable access*** to that item or those items, for the providers' voluntary consideration.

Amendment

Coordinating Authorities shall have the power to notify providers of hosting services under the jurisdiction of the Member State that designated them ***in accordance with Article 33*** of the presence on their service ***and any other hosting service provider*** of one or more specific items of known child sexual abuse material and to request them to remove to that item or those items, for the providers' voluntary consideration.

Or. en

Amendment 1463
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 33 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where a provider failed to appoint a legal representative in accordance with Article 24, all Member States shall have jurisdiction. Where a Member State decides to exercise jurisdiction under this subparagraph, it shall inform all other Member States and ensure that the principle of ne bis in idem is respected.

Amendment

Where a provider ***which does not have its main establishment in the Union*** failed to appoint a legal representative in accordance with Article 24, all Member States shall have jurisdiction. Where a Member State decides to exercise jurisdiction under this subparagraph, it shall inform all other Member States and

ensure that the principle of ne bis in idem is respected.

Or. en

Amendment 1464

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 1

Text proposed by the Commission

1. Users shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State where the user resides or is established.

Amendment

1. Users ***and any body, organisation or association mandated to exercise the rights conferred by this Regulation on their behalf*** shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State where the user resides or is established.

Or. en

Amendment 1465

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 34 – paragraph 1

Text proposed by the Commission

1. Users shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State ***where the user resides or is established.***

Amendment

1. Users shall have the right to lodge a complaint alleging an infringement of this Regulation affecting them against providers of relevant information society services with the Coordinating Authority designated by the Member State ***of choice.***

Or. en

Amendment 1466

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *During these proceedings, both parties shall have the right to be heard and receive appropriate information about the status of the complaint, in accordance with national law*

Or. en

Amendment 1467

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. *The Coordinating authority shall offer easy to use mechanisms to anonymously submit information about infringements of this Regulation.*

Or. en

Amendment 1468

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 34 – paragraph 2

Text proposed by the Commission

Amendment

2. Coordinating Authorities shall provide ***child-friendly*** mechanisms to submit a complaint under this Article and adopt ***a child-sensitive*** approach when handling complaints ***submitted by children***, taking due account of the ***child's age***, maturity, views, needs and concerns.

2. Coordinating Authorities shall provide ***age-appropriate and accessible*** mechanisms to submit a complaint under this Article and adopt ***an age-appropriate and gender-sensitive*** approach when handling complaints taking due account of the ***person's age***, maturity, views, needs and concerns. ***The processing of complaints shall take into account due diligence and shall provide necessary information to the complainant.***

Or. en

Amendment 1469

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

Proposal for a regulation
Article 34 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Users shall have the possibility to lodge a complaint alleging an infringement of this Regulation against providers of information society services with recognised non-governmental organisations specialised in combatting online child sexual abuse material, including the hotlines.

Or. en

Amendment 1470

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 34 a (new)

Text proposed by the Commission

Amendment

Article 34a

Representative actions

The following is added to Annex I of Directive (EU) 2020/1828 on Representative actions for the protection of the collective interests of consumers: “Regulation xxxx/xxxx of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse”

Or. en

Amendment 1471

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 34 a (new)

Text proposed by the Commission

Amendment

Article 34a

Reporting of breaches and protection of reporting persons

Directive (EU) 2019/1937 of the European Parliament and of the Council shall apply to the reporting of breaches of this Regulation and the protection of persons reporting such breaches.

Or. en

Amendment 1472

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 35 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that the maximum amount of penalties imposed for an infringement of this Regulation shall not exceed 6 % of the annual ***income or global*** turnover of the preceding business year of the provider.

2. Member States shall ensure that the maximum amount of penalties imposed for an infringement of this Regulation shall not exceed 6 % of the annual ***worldwide*** turnover of the preceding business year of the provider.

Or. en

Justification

Alignment with DSA

Amendment 1473

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 35 – paragraph 3

Text proposed by the Commission

Amendment

3. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information or to submit to an on-site inspection shall not exceed ***1%*** of the annual income or global turnover of the

3. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information or to submit to an on-site inspection shall not exceed ***3%*** of the annual income or global turnover of the

preceding business year of the provider *or the other person referred to in Article 27*.

preceding business year of the provider.

Or. en

Amendment 1474

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 35 – paragraph 3

Text proposed by the Commission

3. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information or to submit to an on-site inspection shall not exceed 1% of the annual *income or global* turnover of the preceding business year of the provider or the other person referred to in Article 27.

Amendment

3. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information or to submit to an on-site inspection shall not exceed 1% of the annual *worldwide* turnover of the preceding business year of the provider or the other person referred to in Article 27.

Or. en

Justification

Alignment with DSA

Amendment 1475

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 35 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily global turnover of the provider *or the other person referred to in Article 27* in the preceding financial year per day, calculated from the date specified in the decision concerned.

Amendment

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily global turnover of the provider in the preceding financial year per day, calculated from the date specified in the decision concerned.

Or. en

Amendment 1476

Patrick Breyer

on behalf of the Verts/ALE Group
Proposal for a regulation
Article 35 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily **global** turnover of the provider or the other person referred to in Article 27 in the preceding financial year per day, calculated from the date specified in the decision concerned.

Amendment

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily **worldwide** turnover of the provider or the other person referred to in Article 27 in the preceding financial year per day, calculated from the date specified in the decision concerned.

Or. en

Amendment 1477
Carles Puigdemont i Casamajó
Proposal for a regulation
Article 35 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that penalties imposed for the infringement of this Regulation do not encourage the over reporting or the removal of material which does not constitute child sexual abuse material.

Or. en

Amendment 1478
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 35 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that penalties imposed for the infringement of this Regulation do not encourage the over reporting or the removal of material which does not constitute child sexual abuse material.

Or. en

Amendment 1479
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 35 a (new)

Text proposed by the Commission

Amendment

Article 35a

Compensation

Users and any body, organisation or association mandated to exercise the rights conferred by this Regulation on their behalf shall have the right to seek, in accordance with Union and national law, compensation from providers of relevant information society services, for any damage or loss suffered due to an infringement by those providers of their obligations under this Regulation.

Or. en

Amendment 1480
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 35 a (new)

Text proposed by the Commission

Amendment

Article 35a

Compensation

Users and any body, organisation or association mandated to exercise the rights conferred by this Regulation on their behalf shall have the right to seek, in accordance with Union and national law, compensation from providers of relevant information society services, for any damage or loss suffered due to an infringement by those providers of their obligations under this Regulation.

Or. en

Amendment 1481
René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 36 – title

Text proposed by the Commission

Amendment

Identification and submission of **online**
child sexual abuse

Identification and submission of child
sexual abuse **material**

Or. en

Amendment 1482

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) specific items of material **and transcripts of conversations that Coordinating Authorities or** that the competent judicial **authorities or other independent administrative** authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material **or the solicitation of children**, as applicable, for the EU Centre to generate indicators in accordance with Article 44(3);

(a) **anonymised** specific items of material that the competent judicial authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material, as applicable, for the EU Centre to generate indicators in accordance with Article 44(3);

Or. en

Amendment 1483

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) specific items of material **and transcripts of conversations** that Coordinating Authorities or that the competent judicial authorities or other independent administrative authorities of a Member State have identified, after a

(a) specific items of material that Coordinating Authorities or that the competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child

diligent assessment, as constituting child sexual abuse material *or the solicitation of children*, as applicable, for the EU Centre to generate indicators in accordance with Article 44(3);

sexual abuse material, as applicable, for the EU Centre

Or. en

Amendment 1484

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) specific items of material *and transcripts of conversations* that Coordinating Authorities or that the competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material *or the solicitation of children*, as applicable, for the EU Centre to generate indicators in accordance with Article 44(3);

(a) specific items of material that Coordinating Authorities or that the competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material, as applicable, for the EU Centre to generate indicators in accordance with Article 44(3);

Or. en

Amendment 1485

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) *exact uniform resource locators indicating specific items of material that Coordinating Authorities or that competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material, hosted by*

deleted

providers of hosting services not offering services in the Union, that cannot be removed due to those providers' refusal to remove or disable access thereto and to the lack of cooperation by the competent authorities of the third country having jurisdiction, for the EU Centre to compile the list of uniform resource locators in accordance with Article 44(3).

Or. en

Amendment 1486

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) *exact uniform resource locators indicating* specific items of material that Coordinating Authorities or that competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material, *hosted by providers of hosting services not offering services in the Union, that cannot be removed due to those providers' refusal to remove or disable access thereto and to the lack of cooperation by the competent authorities of the third country having jurisdiction, for the EU Centre to compile the list of uniform resource locators in accordance with Article 44(3).*

(b) specific items of material that Coordinating Authorities or that *the* competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material, *as applicable*, for the EU Centre

Or. en

Amendment 1487

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) exact uniform resource locators indicating specific items of material that Coordinating Authorities or that competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material, hosted by providers of hosting services not offering services in the Union, that cannot be removed due to those providers' refusal to remove *or disable access thereto* and to the lack of cooperation by the competent authorities of the third country having jurisdiction, for the EU Centre to compile the list of uniform resource locators in accordance with Article 44(3).

(b) exact uniform resource locators indicating specific items of material that Coordinating Authorities or that competent judicial authorities or other independent administrative authorities of a Member State have identified, after a diligent assessment, as constituting child sexual abuse material, hosted by providers of hosting services not offering services in the Union, that cannot be removed due to those providers' refusal to remove *it* and to the lack of cooperation by the competent authorities of the third country having jurisdiction, for the EU Centre to compile the list of uniform resource locators in accordance with Article 44(3).

Or. en

Amendment 1488

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive, without undue delay, *the* material identified as child sexual abuse material, *the transcripts of conversations identified as the solicitation of children, and the uniform resource locators*, identified by a competent judicial authority *or* other *independent administrative authority* than the Coordinating Authority, for submission to the EU Centre in accordance with the first subparagraph.

Amendment

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive, without undue delay, *encrypted copies of* material identified as child sexual abuse material identified by a competent judicial authority other than the Coordinating Authority, for submission to the EU Centre in accordance with the first subparagraph.

Or. en

Amendment 1489

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive, without undue delay, the material identified as child sexual abuse material, ***the transcripts of conversations identified as the solicitation of children, and the uniform resource locators***, identified by a competent judicial authority or other independent administrative authority than the Coordinating Authority, for submission to the EU Centre in accordance with the first subparagraph.

Amendment

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive, without undue delay, the material identified as child sexual abuse material, identified by a competent judicial authority or other independent administrative authority than the Coordinating Authority, for submission to the EU Centre in accordance with the first subparagraph.

Or. en

Amendment 1490

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 36 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive, without undue delay, the material identified as child sexual abuse material, ***the transcripts of conversations identified as the solicitation of children***, and the uniform resource locators, identified by a competent judicial authority or other independent administrative authority than the Coordinating Authority, for submission to the EU Centre in accordance with the first subparagraph.

Amendment

Member States shall take the necessary measures to ensure that the Coordinating Authorities that they designated receive, without undue delay, the material identified as child sexual abuse material, and the uniform resource locators, identified by a competent judicial authority or other independent administrative authority than the Coordinating Authority, for submission to the EU Centre in accordance with the first subparagraph.

Or. en

Amendment 1491

Patrick Breyer

on behalf of the Verts/ALE Group
Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

Amendment

2. *Upon the request of the EU Centre where necessary to ensure that the data contained in the databases referred to in Article 44(1) are complete, accurate and up-to-date, Coordinating Authorities shall verify or provide clarifications or additional information as to whether the conditions of paragraph 1, points (a) and (b) have been and, where relevant, continue to be met, in respect of a given submission to the EU Centre in accordance with that paragraph.*

deleted

Or. en

Amendment 1492

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 36 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that, where their law enforcement authorities receive a report *of the dissemination of new child sexual abuse material or of the solicitation of children forwarded to them* by the EU Centre in accordance with Article 48(3), a diligent assessment is conducted in accordance with paragraph 1 and, if the material *or conversation* is identified as constituting child sexual abuse material *or as the solicitation of children*, the Coordinating Authority submits the material to the EU Centre, in accordance with that paragraph, within one *month* from the date of reception of the report *or, where the assessment is particularly complex, two months from that date.*

3. Member States shall ensure that, where their law enforcement authorities receive a report by the EU Centre in accordance with Article 48(3), a diligent assessment is conducted in accordance with paragraph 1 and, if the material is identified as constituting child sexual abuse material, the Coordinating Authority submits the material to the EU Centre, in accordance with that paragraph, within one *week* from the date of reception of the report.

Or. en

Amendment 1493

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 36 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that, where their law enforcement authorities receive a report of the dissemination of new child sexual abuse material ***or of the solicitation of children forwarded*** to them by the EU Centre in accordance with Article 48(3), a diligent assessment is conducted in accordance with paragraph 1 and, if the material ***or conversation*** is identified as constituting child sexual abuse material ***or as the solicitation of children***, the Coordinating Authority submits the material to the EU Centre, in accordance with that paragraph, within one month from the date of reception of the report or, where the assessment is particularly complex, two months from that date.

Amendment

3. Member States shall ensure that, where their law enforcement authorities receive a report of the dissemination of new child sexual abuse material to them by the EU Centre in accordance with Article 48(3), a diligent assessment is conducted in accordance with paragraph 1 and, if the material is identified as constituting child sexual abuse material the Coordinating Authority submits the material to the EU Centre, in accordance with that paragraph, within one month from the date of reception of the report or, where the assessment is particularly complex, two months from that date.

Or. en

Amendment 1494

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 36 – paragraph 4

Text proposed by the Commission

4. They shall also ensure that, where the diligent assessment indicates that the material does not constitute child sexual abuse material ***or the solicitation of children***, the Coordinating Authority is informed of that outcome and subsequently informs the EU Centre thereof, within ***the time periods specified in the first subparagraph***.

Amendment

4. They shall also ensure that, where the diligent assessment indicates that the material does not constitute child sexual abuse material, the Coordinating Authority is informed of that outcome and subsequently informs the EU Centre thereof, within ***one week from the date of the reception of such assessment. Member States shall establish effective procedures that such material, including any***

associated data, which does not constitute child sexual abuse material is deleted from the records and databases at the Coordinating Authority and the Member States law enforcement authorities within one week after having received the notice about it.

Or. en

Amendment 1495
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 36 – paragraph 4

Text proposed by the Commission

4. They shall also ensure that, where the diligent assessment indicates that the material does not constitute child sexual abuse material *or the solicitation of children*, the Coordinating Authority is informed of that outcome and subsequently informs the EU Centre thereof, within the time periods specified in the first subparagraph.

Amendment

4. They shall also ensure that, where the diligent assessment indicates that the material does not constitute child sexual abuse material, the Coordinating Authority is informed of that outcome and subsequently informs the EU Centre thereof, within the time periods specified in the first subparagraph.

Or. en

Amendment 1496
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 36 – paragraph 4

Text proposed by the Commission

Amendment

4. They shall also ensure that, where the diligent assessment indicates that the material does not constitute child sexual abuse material *or the solicitation of children*, the Coordinating Authority is informed of that outcome and subsequently informs the EU Centre thereof, within the time periods specified in the first subparagraph.

4. They shall also ensure that, where the diligent assessment indicates that the material does not constitute child sexual abuse material, the Coordinating Authority is informed of that outcome and subsequently informs the EU Centre thereof, within the time periods specified in the first subparagraph.

Or. en

Amendment 1497
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 37 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the Commission has reasons to suspect that a provider of relevant information society services infringed this Regulation in a manner involving at least three Member States, it may recommend that the Coordinating Authority of establishment assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

deleted

Amendment

Or. en

Amendment 1498
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 37 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the Commission *has reasons* to suspect that a provider of relevant information society services infringed this Regulation in a manner *involving* at least three Member States, it may recommend that the Coordinating Authority of establishment assess the matter *and take the necessary investigatory and enforcement measures to ensure*

Amendment

Where, *in the reasoned opinion of* the Commission, *there are grounds* to suspect that a provider of relevant information society services infringed this Regulation in a manner *causing harm in* at least three Member States, it may recommend that the Coordinating Authority of establishment assess the matter.

compliance with this Regulation.

Or. en

Justification

uch specific instruction from the EC would contradict article 26.2.d

Amendment 1499

Charlie Weimers, Cristian Terheş

Proposal for a regulation

Article 37 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

No action shall be taken without a decision from a court of law in the Member State where the provider of the relevant information is located;

Or. en

Amendment 1500

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 37 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The request ***or recommendation*** referred to in paragraph 1 shall at least indicate:

2. The request referred to in paragraph 1 shall at least indicate:

Or. en

Amendment 1501

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 37 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) a description of the relevant facts, the provisions of this Regulation concerned and the reasons why the Coordinating Authority that sent the request, ***or the Commission suspects, that the provider infringed this Regulation;***

(b) a description of the relevant facts, the provisions of this Regulation concerned and the reasons why the Coordinating Authority that sent the request;

Amendment 1502
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 37 – paragraph 2 – point c

Text proposed by the Commission

(c) any other information that the Coordinating Authority that sent the request, **or the Commission**, considers relevant, **including, where appropriate, information gathered on its own initiative and suggestions for specific investigatory or enforcement measures to be taken.**

Amendment

(c) any other information that the Coordinating Authority that sent the request considers relevant;

Amendment 1503
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 37 – paragraph 2 – point c

Text proposed by the Commission

(c) any other information that the Coordinating Authority that sent the request, or the Commission, considers relevant, including, where appropriate, information gathered on its own initiative **and suggestions for specific investigatory or enforcement measures to be taken.**

Amendment

(c) any other information that the Coordinating Authority that sent the request, or the Commission, considers relevant, including, where appropriate, information gathered on its own initiative.

Justification

This would constitute receiving instructions contradict article 26.2.d

Amendment 1504
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 37 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of

Amendment

The Coordinating Authority of

establishment shall assess the suspected infringement, taking into utmost account the request *or recommendation* referred to in paragraph 1.

establishment shall assess the suspected infringement, taking into utmost account the request referred to in paragraph 1.

Or. en

Amendment 1505
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 37 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Coordinating Authority of establishment shall assess the suspected infringement, taking into utmost account the request *or recommendation* referred to in paragraph 1.

Amendment

The Coordinating Authority of establishment shall assess the suspected infringement, taking into utmost account the request referred to in paragraph 1.

Or. en

Amendment 1506
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 37 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Where it considers that it has insufficient information to assess the suspected infringement or to act upon the request *or recommendation* and has reasons to consider that the Coordinating Authority that sent the request, *or the Commission*, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

Amendment

Where it considers that it has insufficient information to assess the suspected infringement or to act upon the request and has reasons to consider that the Coordinating Authority that sent the request could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

Or. en

Amendment 1507
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 37 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Where it considers that it has insufficient information to **asses** the suspected infringement or to act upon the request **or recommendation** and has reasons to consider that the Coordinating Authority that sent the request, or the Commission, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

Amendment

Where it considers that it has insufficient information to **assess** the suspected infringement or to act upon the request and has reasons to consider that the Coordinating Authority that sent the request, or the Commission, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

Or. en

Amendment 1508
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 37 – paragraph 4

Text proposed by the Commission

4. The Coordinating Authority of establishment shall, without undue delay and in any event not later than two months following receipt of the request **or recommendation** referred to in paragraph 1, communicate to the Coordinating Authority that sent the request, **or the Commission**, the outcome of its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and, where applicable, an explanation of the investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.

Amendment

4. The Coordinating Authority of establishment shall, without undue delay and in any event not later than two months following receipt of the request referred to in paragraph 1, communicate to the Coordinating Authority that sent the request, the outcome of its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and, where applicable, an explanation of the investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.

Or. en

Amendment 1509
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 37 – paragraph 4

Text proposed by the Commission

Amendment

4. The Coordinating Authority of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation referred to in paragraph 1, communicate to the Coordinating Authority that sent the request, or the Commission, the outcome of its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and, where applicable, ***an explanation*** of the investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.

4. The Coordinating Authority of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation referred to in paragraph 1, communicate to the Coordinating Authority that sent the request, or the Commission, the outcome of its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and, where applicable, ***details*** of the investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.

Or. en

Amendment 1510

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 38 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Coordinating Authorities may participate in joint investigations, which may be coordinated with the support of the EU Centre, of matters covered by this Regulation, concerning providers of relevant information society services that offer their services in several Member States.

Amendment

Coordinating Authorities ***shall share best practice standards and guidance on the detection and removal of child sexual abuse material and*** may participate in joint investigations, which may be coordinated with the support of the EU Centre, of matters covered by this Regulation, concerning providers of relevant information society services that offer their services in several Member States. ***Those joint investigations shall also take place on the darkweb.***

Or. en

Amendment 1511

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 38 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Coordinating Authorities may participate

Amendment

Coordinating Authorities ***shall share best***

in joint investigations, which may be coordinated with the support of the EU Centre, of matters covered by this Regulation, concerning providers of relevant information society services that offer their services in several Member States.

practice standards and guidance on the detection and removal of child sexual abuse material and may participate in joint investigations, which may be coordinated with the support of the EU Centre, of matters covered by this Regulation, concerning providers of relevant information society services that offer their services in several Member States.

Or. en

Amendment 1512

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 38 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Coordinating Authorities shall increase public awareness regarding the nature of the problem of child sexual abuse material, how to seek assistance, and how to work with providers of relevant information society services to remove content and coordinate victim identification efforts undertaken in collaboration with existing victim identification programmes.

Or. en

Amendment 1513

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 38 – paragraph 2

Text proposed by the Commission

Amendment

2. The participating Coordinating Authorities shall make the results of the joint investigations available to other Coordinating Authorities, ***the Commission*** and the EU Centre, through the system established in accordance with Article 39(2), for the fulfilment of their respective tasks under this Regulation.

2. The participating Coordinating Authorities shall make the results of the joint investigations available to other Coordinating Authorities and the EU Centre, through the system established in accordance with Article 39(2), for the fulfilment of their respective tasks under this Regulation.

Amendment 1514
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 38 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Coordinating Authorities shall increase public awareness regarding the nature of the problem of online child sexual abuse material, how to seek assistance, and how to work with providers of relevant information society services to remove content and coordinate victim identification efforts undertaken in collaboration with existing victim identification programmes.

Amendment 1515
Fabienne Keller
Proposal for a regulation
Article 39 – paragraph 1

Text proposed by the Commission

Amendment

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, the Commission, the EU Centre and other relevant Union agencies, including Europol, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, the Commission, the EU Centre and other relevant Union agencies including Europol, **the European Union Agency for Cybersecurity (ENISA), and other organisations such as NCMEC** to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

Amendment 1516
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 39 – paragraph 1

Text proposed by the Commission

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, ***the Commission***, the EU Centre and other relevant Union agencies, ***including Europol***, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

Amendment

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority the EU Centre and other relevant Union agencies, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

Or. en

Amendment 1517

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 39 – paragraph 1

Text proposed by the Commission

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, the Commission, the EU Centre and other relevant Union agencies, ***including Europol***, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

Amendment

1. Coordinating Authorities shall cooperate with each other, any other competent authorities of the Member State that designated the Coordinating Authority, the Commission, the EU Centre and other relevant Union agencies, to facilitate the performance of their respective tasks under this Regulation and ensure its effective, efficient and consistent application and enforcement.

Or. en

Amendment 1518

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 39 – paragraph 2

Text proposed by the Commission

Amendment

2. The EU Centre shall establish and maintain **one or more** reliable and secure information sharing systems supporting communications between Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services.

2. The EU Centre shall ***use the software provided by eu-LISA pursuant to Regulation (EU) [Joint Investigation Teams online collaboration platform]*** to establish and maintain ***a*** reliable and secure information sharing systems supporting communications between Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services. ***In accordance with Article 88 of Regulation (EU) 2018/1725, the EU Centre shall keep logs of its processing operations. It shall not be possible to modify the logs.***

Or. en

Amendment 1519

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 39 – paragraph 2

Text proposed by the Commission

2. The EU Centre shall establish and maintain one or more reliable and secure information sharing systems supporting communications between Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services.

Amendment

2. The EU Centre shall establish and maintain one or more reliable and secure information sharing systems ***with highest cybersecurity standards*** supporting communications between Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services.

Or. en

Amendment 1520

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 39 – paragraph 2

Text proposed by the Commission

2. The EU Centre shall establish and

Amendment

2. The EU Centre shall establish and

maintain one *or more* reliable and secure information sharing systems supporting communications between Coordinating Authorities, the **Commission, the** EU Centre, other relevant Union agencies and providers of relevant information society services.

maintain one reliable and secure information sharing systems supporting communications between Coordinating **Authorities, the** EU Centre, other relevant Union agencies and providers of relevant information society services.

Or. en

Amendment 1521

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

Proposal for a regulation

Article 39 – paragraph 2

Text proposed by the Commission

2. The EU Centre shall establish and maintain one or more reliable and secure information sharing systems supporting communications between Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services.

Amendment

2. The EU Centre shall establish and maintain one or more reliable and secure information sharing systems supporting communications between Coordinating Authorities, the Commission, the EU Centre, **hotlines**, other relevant Union agencies and providers of relevant information society services.

Or. en

Amendment 1522

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 39 – paragraph 3

Text proposed by the Commission

3. The Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services shall use the information-sharing systems referred to in paragraph 2 for all relevant communications pursuant to this Regulation.

Amendment

3. The Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services shall use the information-sharing systems referred to in paragraph 2 for all relevant communications pursuant to this Regulation. ***Regulation (EU) [Joint Investigation Teams online collaboration platform] shall apply mutatis mutandis.***

Or. en

Amendment 1523

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

Proposal for a regulation

Article 39 – paragraph 3

Text proposed by the Commission

3. The Coordinating Authorities, the Commission, the EU Centre, other relevant Union agencies and providers of relevant information society services shall use the information-sharing systems referred to in paragraph 2 for all relevant communications pursuant to this Regulation.

Amendment

3. The Coordinating Authorities, the Commission, the EU Centre, **hotlines**, other relevant Union agencies and providers of relevant information society services shall use the information-sharing systems referred to in paragraph 2 for all relevant communications pursuant to this Regulation.

Or. en

Amendment 1524

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 39 – paragraph 3

Text proposed by the Commission

3. The Coordinating Authorities, **the Commission**, the EU Centre, other relevant Union agencies and providers of relevant information society services shall use the information-sharing **systems** referred to in paragraph 2 for all relevant communications pursuant to this Regulation.

Amendment

3. The Coordinating Authorities, the EU Centre, other relevant Union agencies and providers of relevant information society services shall use the information-sharing **system** referred to in paragraph 2 for all relevant communications pursuant to this Regulation.

Or. en

Amendment 1525

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 39 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where the EU Centre receives a report from a hotline, or where a provider that submitted the report to the EU Centre has indicated that the report is based on the information received from a hotline, the EU Centre shall coordinate with the

relevant Coordinating Authorities in order to avoid duplicated reporting on the same material that has already been reported to the national law enforcement authorities by the hotlines, and monitor the removal of the child sexual abuse material or cooperate with the relevant hotline to track the status.

Or. en

Amendment 1526

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 39 a (new)

Text proposed by the Commission

Amendment

Article 39a

Independence

The Commission shall ensure in the draft general budget of the Union that the European Data Protection Board and European Data Protection Supervisor are provided with sufficient human, technical and financial resources, premises and infrastructure necessary for the effective performance of its tasks and exercise of its powers pursuant to this Regulation.

Or. en

Amendment 1527

Charlie Weimers, Cristian Terheş, Rob Rooker

Proposal for a regulation

Chapter IV – title

Text proposed by the Commission

Amendment

IV **EU** CENTRE TO PREVENT AND
COMBAT CHILD SEXUAL ABUSE

IV **JOINT** CENTRE TO PREVENT
AND COMBAT CHILD SEXUAL
ABUSE

Or. en

Amendment 1528

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Chapter IV – title

Text proposed by the Commission

Amendment

IV EU CENTRE TO **PREVENT AND COMBAT CHILD SEXUAL ABUSE**

IV EU CENTRE TO **PROTECT CHILDREN**

Or. en

Amendment 1529

Charlie Weimers, Cristian Terheş, Rob Rooker

Proposal for a regulation

Article 40 – title

Text proposed by the Commission

Amendment

Establishment and scope of action of the **EU** Centre

Establishment and scope of action of the **Joint** Centre

Or. en

Amendment 1530

Charlie Weimers, Cristian Terheş, Rob Rooker

Proposal for a regulation

Article 40 – paragraph 1

Text proposed by the Commission

Amendment

1. **A European Union** Agency to prevent and combat child sexual abuse, the **EU** Centre on Child Sexual Abuse, is established.

1. **An intergovernmental** Agency to prevent and combat child sexual abuse, the **Joint** Centre on Child Sexual Abuse, is established.

Or. en

Amendment 1531

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 40 – paragraph 1

Text proposed by the Commission

Amendment

1. A European Union Agency to **prevent and combat child sexual abuse**,

1. A European Union Agency to **protect children**, the EU Centre on Child

the EU Centre on Child *Sexual Abuse*, is established.

Protection, is established.

Or. en

Amendment 1532

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 40 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The EU Center must be completely independent from Europol.

Or. en

Amendment 1533

Charlie Weimers, Cristian Terheş, Rob Rooken

Proposal for a regulation

Article 40 – paragraph 2

Text proposed by the Commission

Amendment

2. The EU Centre shall contribute to the achievement of the objective of this Regulation by supporting and facilitating the implementation of its provisions concerning the detection, reporting, removal or disabling of access to, and blocking of online child sexual abuse and gather and share information and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online.

2. The EU Centre shall contribute to the achievement of the objective of this Regulation by supporting and facilitating the implementation of its provisions concerning the detection, reporting, removal or disabling of access to, and blocking of online child sexual abuse and gather and share information and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online. ***Its remit and powers shall not be expanded without prior evaluation and unanimous decision by Member States.***

Or. en

Amendment 1534

Charlie Weimers, Cristian Terheş, Rob Rooken

Proposal for a regulation

Article 40 – paragraph 2

Text proposed by the Commission

Amendment

2. The **EU** Centre shall contribute to the achievement of the objective of this Regulation by supporting and facilitating the implementation of its provisions concerning the detection, reporting, removal or disabling of access to, and blocking of online child sexual abuse and gather and share information and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online.

2. The **Joint** Centre shall contribute to the achievement of the objective of this Regulation by supporting and facilitating the implementation of its provisions concerning the detection, reporting, removal or disabling of access to, and blocking of online child sexual abuse and gather and share information and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online.

Or. en

Amendment 1535

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 40 – paragraph 2

Text proposed by the Commission

Amendment

2. The EU Centre shall contribute to the achievement of the objective of this Regulation by supporting and facilitating the implementation of its provisions concerning the detection, reporting, removal **or disabling of access to, and blocking of online** child sexual abuse and gather and share information and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online.

2. The EU Centre shall contribute to the achievement of the objective of this Regulation by supporting and facilitating the implementation of its provisions concerning the detection, reporting **and removal , of** child sexual abuse **material** and gather and share information and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online.

Or. en

Amendment 1536

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 40 – paragraph 2

Text proposed by the Commission

Amendment

2. The EU Centre shall contribute to

2. The EU Centre shall contribute to

the achievement of the **objective** of this Regulation by supporting and facilitating the implementation of its provisions concerning the **detection**, reporting, removal **or disabling of access to, and blocking** of online child sexual abuse and gather and share information and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online.

the achievement of the **objectives** of this Regulation by supporting and facilitating the implementation of its provisions concerning the reporting **and** removal of online child sexual abuse and gather and share information, **educational materials, good practices** and expertise and facilitate cooperation between relevant public and private parties in connection to the prevention and combating of child sexual abuse, in particular online.

Or. en

Amendment 1537

Charlie Weimers, Cristian Terheş, Rob Rooker

Proposal for a regulation

Article 41 – paragraph 1

Text proposed by the Commission

1. The **EU** Centre shall be **a body of the Union** with legal personality.

Amendment

1. The **Joint** Centre shall be **an intergovernmental body** with legal personality **in a Member State**.

Or. en

Amendment 1538

Charlie Weimers, Cristian Terheş, Rob Rooker

Proposal for a regulation

Article 41 – paragraph 2

Text proposed by the Commission

2. In each of the Member States the EU Centre shall **enjoy the most extensive legal capacity accorded to legal persons under** their laws. It may, **in particular**, acquire and dispose of movable and immovable property and be party to legal proceedings.

Amendment

2. In each of the Member States the EU Centre shall **fully comply with and respect** their laws. It may, **with the consent of the Member State concerned**, acquire and dispose of movable and immovable property and be party to legal proceedings.

Or. en

Amendment 1539

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 42 – paragraph 1

The seat of the *EU* Centre shall be *The Hague, The Netherlands*.

The choice of the location of the seat of the Centre shall be made in accordance with the ordinary legislative procedure, based on the following criteria:

(a) it shall not affect the Centre's execution of its tasks and powers, the organisation of its governance structure, the operation of its main organisation, or the main financing of its activities;

(b) it shall ensure that the Centre is able to recruit the high-qualified and specialised staff it requires to perform the tasks and exercise the powers provided by this Regulation;

(c) it shall ensure that it can be set up on site upon the entry into force of this Regulation;

(d) it shall ensure appropriate accessibility of the location, the existence of adequate education facilities for the children of staff members, appropriate access to the labour market, social security and medical care for both children and spouses;

(da) it shall ensure a balanced geographical distribution of EU institutions, bodies and agencies across the Union;

(db) it shall ensure its national Child Sexual Abuse framework is of a proven quality and reputation, and shall benefit from the experience of national authorities;

(dc) it shall enable adequate training opportunities for combating child sexual abuse activities;

(dd) it shall enable close cooperation with EU institutions, bodies and agencies but it shall be independent of any of the aforementioned;

(de) it shall ensure sustainability and digital security and connectivity with regards to physical and IT infrastructure

and working conditions.

Or. en

Amendment 1540
Annalisa Tardino
Proposal for a regulation
Article 42 – paragraph 1

Text proposed by the Commission

The seat of the EU Centre shall be *The Hague, The Netherlands*.

Amendment

The seat of the EU Centre shall be [...]

The choice of the location of the seat of the EU centre will be made in accordance with the ordinary legislative procedure, based on the following criteria:

(a) it shall not affect the EU center's execution of its tasks and powers, the organisation of its governance structure, the operation of its main organisation, or the main financing of its activities;

(b) it shall ensure that the EU center is able to recruit the high-qualified and specialised staff it requires to perform the tasks and exercise the powers provided by this Regulation;

(c) it shall ensure that it can be set up on site upon the entry into force of this Regulation;

(d) it shall ensure appropriate accessibility of the location, the existence of adequate education facilities for the children of staff members, appropriate access to the labour market, social security and medical care for both children and spouses;

da) it shall ensure a balanced geographical distribution of EU institutions, bodies and agencies across the Union;

(db) it shall ensure its national child protection framework is of a proven quality and repute, and shall benefit from the experience of national authorities;

(dd) it shall enable close cooperation with EU institutions, bodies and agencies;
(de) it shall ensure digital security and connectivity with regards to physical and IT infrastructure and working conditions.

Or. en

Amendment 1541

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa

Proposal for a regulation

Article 42 – paragraph 1

Text proposed by the Commission

The seat of the EU Centre shall be *The Hague, The Netherlands*.

Amendment

The choice of the location of the seat of the EU Centre shall be made in accordance with the ordinary legislative procedure, based on the following criteria:

(a) it shall not affect the EU Centre's execution of its tasks or the organisation of its governance structure;

(b) it shall ensure that the EU Centre is able to recruit the high-qualified and specialised staff it requires to perform the tasks provided by this Regulation;

(c) it shall ensure that it can be set up on site upon the entry into force of this Regulation;

(d) it shall ensure appropriate accessibility of the location, the existence of adequate education facilities for the children of staff members, appropriate access to the labour market, social security and medical care for both children and spouses;

(e) it shall enable close cooperation with EU institutions, bodies and agencies;

(f) it shall ensure sustainability and digital security and connectivity with regards to physical and IT infrastructure and working conditions.

Or. en

Amendment 1542

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 42 – paragraph 1

Text proposed by the Commission

The seat of the EU Centre shall be ***The Hague, The Netherlands***.

Amendment

. The choice of the location of the seat of the EU Centre shall be ***made in accordance with the ordinary legislative procedure. The following criteria shall in particular be respected when assessing the possible choices of location for the EU Center:***

(a) it shall not affect the EU Centre's execution of its tasks or the organisation of its governance structure;

(b) it shall not comprise its independence vis-à-vis EU Member States or EU institutions, bodies and agencies, in particular Europol;

(e) it shall ensure a balanced geographical distribution of EU institutions, bodies and agencies across the Union;

Or. en

Amendment 1543

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 42 – paragraph 1

Text proposed by the Commission

The seat of the EU Centre shall be ***The Hague, The Netherlands***.

Amendment

The seat of the EU Centre shall be ***in Bratislava, Slovakia***.

Or. en

Amendment 1544

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 42 – paragraph 1

Text proposed by the Commission

The seat of the EU Centre shall be The Hague, The Netherlands.

Amendment

The EU Centre shall ***have its seat in [...]***

Or. en

Amendment 1545

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 43 – title

Text proposed by the Commission

43 Tasks of the EU Centre

Amendment

43 Tasks of the EU Centre ***on Child Protection***

Or. en

Amendment 1546

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 43 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1 The objective of the Agency shall be to provide the relevant institutions, bodies, offices and agencies of the EU and its Member States as well as civil society organisations and research bodies when involved with implementing EU law with assistance, expertise and coordination in relation to the preventing and combating of child sexual abuse, in order to support them when taking measures or formulating courses of action within their respective spheres of competence in full respect of fundamental rights

Or. en

Amendment 1547

Patrick Breyer

on behalf of the Verts/ALE Group
Proposal for a regulation
Article 43 – paragraph 1 – point 1 – point a

Text proposed by the Commission

(a) supporting the Commission in the preparation of the guidelines referred to in Article 3(8), Article 4(5), **Article 6(4)** and Article 11, including by collecting and providing relevant information, expertise and best practices, taking into account advice from the Technology Committee referred to in Article 66;

Amendment

(a) supporting the Commission in the preparation of the guidelines referred to in Article 3(6), Article 4(5) and Article 11, including by collecting and providing relevant information, expertise and best practices, taking into account advice from the Technology Committee **and the Survivor's Advisory Board** referred to in Article 66 **and 66a (new)**;

Or. en

Amendment 1548
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Paul Tang, Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 43 – paragraph 1 – point 1 – point a

Text proposed by the Commission

(a) supporting the Commission in the preparation of the guidelines referred to in Article 3(8), Article 4(5), **Article 6(4)** and Article 11, including by collecting and providing relevant information, expertise and best practices, taking into account advice from the Technology Committee referred to in Article 66;

Amendment

(a) supporting the Commission **and European Data Protection Board** in the preparation of the guidelines referred to in Article 3(8), Article 4(5), and Article 11, including by collecting and providing relevant information, expertise and best practices, taking into account advice from the Technology Committee referred to in Article 66;

Or. en

Amendment 1549
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 43 – paragraph 1 – point 1 – point a

Text proposed by the Commission

(a) **supporting the Commission in the**

Amendment

(a) **preparing** the guidelines referred to

preparation of the guidelines referred to in Article 3(8), Article 4(5), Article 6(4) ***and Article 11***, including by collecting and providing relevant information, expertise and best practices, taking into account advice from the Technology Committee referred to in Article 66;

in Article 3(8), Article 4(5), Article 6(4), including by collecting and providing relevant information, expertise and best practices, taking into account advice from the Technology Committee referred to in Article 66;

Or. en

Amendment 1550

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 43 – paragraph 1 – point 1 – point b

Text proposed by the Commission

Amendment

(b) upon request from a provider of relevant information services, providing an analysis of anonymised data samples for the purpose referred to in Article 3(3);

deleted

Or. en

Amendment 1551

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 43 – paragraph 1 – point 1 – point b

Text proposed by the Commission

Amendment

(b) upon request from a provider of relevant information services, providing an analysis of anonymised data samples for the purpose referred to in Article 3(3);

deleted

Or. en

Amendment 1552

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 43 – paragraph 1 – point 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) operating accounts, including child accounts, on publicly available

number-independent interpersonal communications services and reporting relevant findings concerning the risk of solicitation of children to the Coordinating Authority of establishment; where the Centre becomes aware of potential online child sexual abuse, Article 48(3) of this Regulation shall apply mutatis mutandis;

Or. en

Justification

The risk of child grooming can be monitored by operating apparent child accounts on communications services and reporting relevant findings to the authority competent for supervising the specific measures taken by the provider. This approach may also have a deterrent effect on child solicitation. The task of operating accounts for risk monitoring does not include the incitement of criminal offences.

Amendment 1553

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 43 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) facilitate the detection process referred to in Section 2 of Chapter II, by: **deleted**

(a) providing the opinions on intended detection orders referred to in Article 7(3), first subparagraph, point (d);

(b) maintaining and operating the databases of indicators referred to in Article 44;

(c) giving providers of hosting services and providers of interpersonal communications services that received a detection order access to the relevant databases of indicators in accordance with Article 46;

(d) making technologies available to providers for the execution of detection orders issued to them, in accordance with Article 50(1);

Or. en

Amendment 1554
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 43 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

*(2) facilitate the detection process
referred to in Section 2 of Chapter II, by:*

deleted

*(a) providing the opinions on intended
detection orders referred to in Article
7(3), first subparagraph, point (d);*

*(b) maintaining and operating the
databases of indicators referred to in
Article 44;*

*(c) giving providers of hosting services
and providers of interpersonal
communications services that received a
detection order access to the relevant
databases of indicators in accordance
with Article 46;*

*(d) making technologies available to
providers for the execution of detection
orders issued to them, in accordance with
Article 50(1);*

Or. en

Amendment 1555
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 43 – paragraph 1 – point 2 – point b

Text proposed by the Commission

Amendment

*(b) maintaining and operating the
databases of indicators referred to in
Article 44;*

*(b) maintaining and operating the
databases of indicators of known child
sexual abuse material;*

Or. en

Amendment 1556
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel
Proposal for a regulation
Article 43 – paragraph 1 – point 2 – point c

Text proposed by the Commission

(c) giving providers of hosting services and providers of interpersonal communications services that received a detection order access to the relevant databases of indicators in accordance with Article 46;

Amendment

(c) giving providers of hosting services and providers of ***number-independent*** interpersonal communications services that received a detection order access to the relevant databases of indicators in accordance with Article 46;

Or. en

Amendment 1557
Rob Rooker
Proposal for a regulation
Article 43 – paragraph 1 – point 2 – point c

Text proposed by the Commission

(c) giving providers of hosting services and providers of interpersonal communications services that received a detection order access to the relevant databases of indicators in accordance with Article 46;

Amendment

(c) giving providers of hosting services and providers of ***number independent*** interpersonal communications services that received a detection order access to the relevant databases of indicators in accordance with Article 46;

Or. en

Amendment 1558
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 43 – paragraph 1 – point 4 – introductory part

Text proposed by the Commission

(4) facilitate the removal process referred to in Section 4 of Chapter II ***and the other processes referred to in Section 5 and 6 of that Chapter***, by:

Amendment

(4) facilitate the removal process referred to in Section 4 of Chapter II by:

Or. en

Amendment 1559
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation

Article 43 – paragraph 1 – point 4 – introductory part

Text proposed by the Commission

Amendment

(4) facilitate the removal process referred to in Section 4 of Chapter II and the other processes referred to in Section 5 **and** 6 of that Chapter, by:

(4) facilitate the removal process referred to in Section 4 of Chapter II and the other processes referred to in Section 6 of that Chapter, by:

Or. en

Amendment 1560

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 43 – paragraph 1 – point 4 – point b

Text proposed by the Commission

Amendment

(b) cooperating with and responding to requests of Coordinating Authorities in connection to intended blocking orders as referred to in Article 16(2);

deleted

Or. en

Amendment 1561

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 43 – paragraph 1 – point 4 – point b

Text proposed by the Commission

Amendment

(b) cooperating with and responding to requests of Coordinating Authorities in connection to intended blocking orders as referred to in Article 16(2);

deleted

Or. en

Amendment 1562

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 43 – paragraph 1 – point 4 – point b

Text proposed by the Commission

Amendment

(b) cooperating with and responding to requests of Coordinating Authorities in connection to intended blocking orders as referred to in Article 16(2); *deleted*

Or. en

Amendment 1563

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 43 – paragraph 1 – point 4 – point c

Text proposed by the Commission

Amendment

(c) receiving and processing the blocking orders transmitted to it pursuant to Article 17(3); *deleted*

Or. en

Amendment 1564

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 43 – paragraph 1 – point 4 – point c

Text proposed by the Commission

Amendment

(c) receiving and processing the blocking orders transmitted to it pursuant to Article 17(3); *deleted*

Or. en

Amendment 1565

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 43 – paragraph 1 – point 4 – point c

Text proposed by the Commission

Amendment

(c) receiving and processing the blocking orders transmitted to it pursuant *deleted*

to Article 17(3);

Or. en

Amendment 1566

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 43 – paragraph 1 – point 4 – point d

Text proposed by the Commission

Amendment

(d) providing information and support to **victims** in accordance with Articles 20 and 21;

(d) providing information and support to **survivors** in accordance with Articles 20 and 21;

Or. en

Amendment 1567

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 43 – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

(4a) conduct proactive searches of publicly accessible content on hosting services for known child sexual abuse material in accordance with Article 49;

Or. en

Amendment 1568

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 43 – paragraph 1 – point 5 – introductory part

Text proposed by the Commission

Amendment

(5) support the Coordinating Authorities **and the Commission** in the performance of their tasks under this Regulation and facilitate cooperation, coordination and communication in connection to matters covered by this Regulation, by:

(5) support the Coordinating Authorities in the performance of their tasks under this Regulation and facilitate cooperation, coordination and communication in connection to matters covered by this Regulation, by:

Or. en

Amendment 1569
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 43 – paragraph 1 – point 5 – point c

Text proposed by the Commission

Amendment

(c) *assisting the Commission, upon its request, in connection to its tasks under the cooperation mechanism referred to in Article 37;*

deleted

Or. en

Amendment 1570
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 43 – paragraph 1 – point 5 – point e

Text proposed by the Commission

Amendment

(e) assisting the Commission in the preparation of the delegated and implementing acts *and the guidelines* that the Commission adopts under this Regulation;

(e) assisting the Commission in the preparation of the delegated and implementing acts that the Commission adopts under this Regulation;

Or. en

Amendment 1571
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 43 – paragraph 1 – point 6 – point a

Text proposed by the Commission

Amendment

(a) collecting, recording, analysing and providing information, providing analysis based on anonymised and non-personal data gathering, and providing expertise on matters regarding the prevention and combating of online child sexual abuse, in accordance with Article 51;

(a) collecting, recording, analysing and providing information, providing analysis based on anonymised and non-personal data gathering, and providing expertise on matters regarding the prevention and combating of online child sexual abuse, in accordance with Article 51, *including education, awareness raising and intervention programmes, and facilitating the drafting of recommendations and guidelines on prevention and mitigation of child sexual abuse, in particular in the*

*digital space and taking into account
technological developments;*

Or. en

Amendment 1572

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point a

Text proposed by the Commission

(a) collecting, recording, analysing and providing information, providing analysis based on anonymised and non-personal data gathering, and providing expertise on matters regarding the prevention and combating of online child sexual abuse, in accordance with Article 51;

Amendment

(a) collecting, recording, analysing and providing ***gender and age specific*** information, providing analysis based on anonymised and non-personal data gathering, ***including gender and age disaggregated data***, and providing expertise on matters regarding the prevention and combating of online child sexual abuse, in accordance with Article 51;

Or. en

Amendment 1573

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point a a (new)

Text proposed by the Commission

Amendment

(aa) supporting awareness-raising and prevention campaigns in the Union carried out by public and private bodies, stakeholders and education institutions, and elaborating best practices in this regard;

Or. en

Amendment 1574

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b

Text proposed by the Commission

Amendment

(b) supporting the development and dissemination of research and expertise on those matters and on assistance to victims, including by serving as a hub of expertise to support evidence-based policy;

(b) supporting the development and dissemination of research and expertise on those matters and on assistance to victims, including by serving as a hub of expertise to support evidence-based policy **and by linking researchers to practitioners**;

Or. en

Amendment 1575

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b

Text proposed by the Commission

Amendment

(b) supporting the development and dissemination of research and expertise on those matters and on assistance to **victims**, including by serving as a hub of expertise to support evidence-based policy;

(b) supporting the development and dissemination of research and expertise on those matters and on assistance to **survivors, taking into account the gender dimension**, including by serving as a hub of expertise to support evidence-based policy;

Or. en

Amendment 1576

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b

Text proposed by the Commission

Amendment

(b) supporting the development and dissemination of research and expertise on those matters and on assistance to **victims**, including by serving as a hub of expertise to support evidence-based policy;

(b) supporting the development and dissemination of research and expertise on those matters and on assistance to **survivors**, including by serving as a hub of expertise to support evidence-based policy;

Or. en

Amendment 1577

Paul Tang, Alex Agius Saliba, Marcos Ros Sempere, Birgit Sippel, Theresa Bielowski

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b a (new)

Text proposed by the Commission

Amendment

(ba) providing technical expertise and promoting the exchange of best practices among Member States on raising awareness for the prevention of child sexual abuse online in formal and non-formal education. Such efforts shall be age-appropriate and gender-sensitive;

Or. en

Amendment 1578

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b a (new)

Text proposed by the Commission

Amendment

(ba) contribute to the implementation of awareness campaigns as per the potential risks posed by the online environment to children, in order to equip them with adequate skills for detecting potential grooming and deceit, to ensure safe use of the internet by children;

Or. en

Amendment 1579

Annalisa Tardino

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Supporting national authorities to develop age-appropriate awareness material for minors, including specific campaigns on how to avoid risks while navigating the internet.

Or. en

Amendment 1580

Hilde Vautmans, Abir Al-Sahlani, Maite Pagazaurtundúa, Olivier Chastel, Fabienne Keller, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Referring victims to the appropriate national child protection services;

Or. en

Amendment 1581

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b b (new)

Text proposed by the Commission

Amendment

(bb) assisting with expertise and knowledge in the development and implementation of teacher training across the Union, in order to vest teachers with the necessary skills for guiding children on safely using information society services and detecting potentially malicious behaviour online;

Or. en

Amendment 1582

Paul Tang, Alex Agius Saliba, Birgit Sippel, Theresa Bielowski

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b b (new)

Text proposed by the Commission

Amendment

(bb) exchanging best practices among Coordinating Authorities regarding the available tools to reduce the risk of children becoming victims of sexual abuse and to provide specialized assistance to survivors, in an age-appropriate and gender-sensitive way.

Or. en

Amendment 1583

Annalisa Tardino

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b b (new)

Text proposed by the Commission

Amendment

(bb) Support national authorities to develop awareness raising material targeted to adults, including parents and educators.

Or. en

Amendment 1584

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b c (new)

Text proposed by the Commission

Amendment

(bc) supporting the collaboration of victim support services and elaborating best practices;

Or. en

Amendment 1585

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b c (new)

Text proposed by the Commission

Amendment

(bc) referring survivors to appropriate child protection services;

Or. en

Amendment 1586

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point b d (new)

Text proposed by the Commission

Amendment

(bd) supporting the exchange of law enforcement agencies and providers and elaborating best practices;

Amendment 1587

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point c a (new)

Text proposed by the Commission

Amendment

(ca) in its engagement with survivors or in any decision affecting survivors, the EU Centre shall operate in a way that minimises risks to survivors, especially children, addresses harm of survivors and meets their needs in an age-appropriate, and gender- and victim-sensitive manner.

Or. en

Amendment 1588

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point c b (new)

Text proposed by the Commission

Amendment

(cb) create and oversee an "EU hashing list of known child sexual abuse material" and modify the content of that list, independently and autonomously and free of political, government or industry influence or interference;

Or. en

Amendment 1589

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point c c (new)

Text proposed by the Commission

Amendment

(cc) develop, in accordance with the implementing act as referred to in Article 43a, the European Centralised Helpline for Abuse of Teenagers (eCHAT), interconnecting via effective interoperability the national hotline's helplines, allowing children to reach out

24/7 via a recognisable central helpline in an anonymous way in their own language and free of charge;

Or. en

Amendment 1590

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point c d (new)

Text proposed by the Commission

Amendment

(cd) dispose over the resources needed to develop, where possible, open source, hashing technology tools for small and medium sized relevant information society services to prevent the dissemination of known child sexual abuse material in publicly accessible content.

Or. en

Amendment 1591

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point c e (new)

Text proposed by the Commission

Amendment

(ce) coordinate sharing and filter of Suspicious Activity Reports on alleged "known child sexual abuse material", operating independently, autonomously, free of political, government or industry influence or interference and in full respect of fundamental rights, including privacy and data protection.

[By 1 year after entry into force] the Commission shall adopt a delegated act laying down requirements for a Suspicious Activity Reports format, as referred to in this paragraph, and the differentiation between actionable and non-actionable Suspicious Activity Reports. This delegated act shall not prohibit, weaken or undermine end-to-end encryption, prohibit providers of

information society services from providing their services applying end-to-end encryption or be interpreted in that way.

Or. en

Justification

Effective coordination and filtering of Suspicious Activity Reports significantly alleviates the workload of law enforcement agencies. By streamlining information exchange, they can dedicate their resources more efficiently to investigating actionable cases and apprehending offenders. Furthermore, it empowers the EU Centre to produce trend reports, identify emerging patterns, and swiftly add new content to its hashing database.

Amendment 1592

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 43 – paragraph 1 – point 6 – point c f (new)

Text proposed by the Commission

Amendment

(cf) scan public servers and public communications channels for known child sexual abuse material, with proven technology, solely for the purposes of amending the EU Hashing List and flagging the content for removal to the service provider of the specific public server or public communications channel, without prejudice to Art. -3.

The European Data Protection Board shall issue guidelines regarding the compliance with Regulation (EU) 2016/679 of existing and future technologies that are used for the purpose of scanning.

Or. en

Amendment 1593

Hilde Vautmans, Abir Al-Sahlani, Maite Pagazaurtundúa, Olivier Chastel, Fabienne Keller, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 43 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

(6a) support Member States in designing preventive measures, such as awareness-raising campaigns to combat child sexual abuse, with a specific focus on girls and other prevalent demographics, including by:

(a) Acting on behalf of victims in liaising with other relevant authorities of the Member States for reparations and all other victim support programmes;

(b) Referring victims to the appropriate child protection services, and to pro bono legal support services;

(c) Facilitating access to care qualified health support services, including mental health and psychological support;

Or. en

Amendment 1594

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer
Proposal for a regulation

Article 43 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

(6a) support Member States in designing preventive measures, such as awareness-raising campaigns to combat child sexual abuse, with a specific focus on girls and other prevalent demographics, including by:

a) acting on behalf of victims in liaising with other relevant authorities of the Member States for reparations and all other victim support programmes;

b) referring victims to the appropriate child protection services, and to pro bono legal support services.

Or. en

Amendment 1595

Karolin Braunsberger-Reinhold

Proposal for a regulation
Article 43 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

(6a) Establish mechanisms to listen to and incorporate the views of children in its work, in accordance with the Directive 2012/29/EU and the Charter of Fundamental Rights of the European Union.

Or. en

Amendment 1596
Karolin Braunsberger-Reinhold
Proposal for a regulation
Article 43 – paragraph 1 – point 6 b (new)

Text proposed by the Commission

Amendment

(6b) shall operate in a way that minimises risks to victims, especially children, when engaging with victims or in any decision affecting victims;

Or. en

Amendment 1597
Paul Tang, Alex Agius Saliba, Theresa Bielowski
Proposal for a regulation
Article 43 a (new)

Text proposed by the Commission

Amendment

Article 43a

Implementing act for the interconnection of helplines

- 1. The national helpline referred to in Article 43 shall be interconnected via the European Centralised Helpline for Abuse of Teenagers (eCHAT) to be developed and operated by the EU Centre by ... [two years after the date of entry into force of this Regulation]**
- 2. The Commission shall be empowered to adopt, by means of implementing acts, technical specifications and procedures**

necessary to provide for the interconnection of national hotlines' online chat systems via eCHAT in accordance with Article 43 with regard to:

(a) the technical data necessary for the eCHAT system to perform its functions and the method of storage, use and protection of that technical data;

(b) the common criteria according to which national helplines shall be available through the system of interconnection of helplines;

(c) the technical details on how helplines shall be made available;

(d) the technical conditions of availability of services provided by the system of interconnection of helplines.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 5 of Regulation (EU) 182/2011.

3. When adopting the implementing acts referred to in paragraph 2, the Commission shall take into account proven technology and existing practices.

Or. en

Amendment 1598
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 44

Text proposed by the Commission

Amendment

Article 44

deleted

Databases of indicators

1. The EU Centre shall create, maintain and operate databases of the following three types of indicators of online child sexual abuse:

(a) indicators to detect the dissemination of child sexual abuse material previously detected and identified as constituting child sexual abuse material in accordance

with Article 36(1);

(b) indicators to detect the dissemination of child sexual abuse material not previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1);

(c) indicators to detect the solicitation of children.

2. The databases of indicators shall solely contain:

(a) relevant indicators, consisting of digital identifiers to be used to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, on hosting services and interpersonal communications services, generated by the EU Centre in accordance with paragraph 3;

(b) as regards paragraph 1, point (a), the relevant indicators shall include a list of uniform resource locators compiled by the EU Centre in accordance with paragraph 3;

(c) the necessary additional information to facilitate the use of the indicators in accordance with this Regulation, including identifiers allowing for a distinction between images, videos and, where relevant, other types of material for the detection of the dissemination of known and new child sexual abuse material and language identifiers for the detection of solicitation of children.

3.

The EU Centre shall generate the indicators referred to in paragraph 2, point (a), solely on the basis of the child sexual abuse material and the solicitation of children identified as such by the Coordinating Authorities or the courts or other independent authorities of the Member States, submitted to it by the Coordinating Authorities pursuant to Article 36(1), point (a).

The EU Centre shall compile the list of uniform resource locators referred to in paragraph 2, point (b), solely on the basis of the uniform resource locators submitted to it pursuant to Article 36(1), point (b).

4. The EU Centre shall keep records of the submissions and of the process applied to generate the indicators and compile the list referred to in the first and second subparagraphs. It shall keep those records for as long as the indicators, including the uniform resource locators, to which they correspond are contained in the databases of indicators referred to in paragraph 1.

Or. en

Amendment 1599

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 44 – paragraph 1 – introductory part

Text proposed by the Commission

1. The EU Centre shall create, maintain and operate databases of the following **three** types of indicators of online child sexual abuse:

Amendment

1. The EU Centre shall create, maintain and operate databases of the following types of indicators of online child sexual abuse **material**:

Or. en

Amendment 1600

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 44 – paragraph 1 – introductory part

Text proposed by the Commission

1. The EU Centre shall create, maintain and operate databases of the following three types of indicators of

Amendment

1. The EU Centre shall create, maintain and operate databases of the following three types of indicators of child

online child sexual abuse:

sexual abuse *material*:

Or. en

Amendment 1601

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 44 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) indicators to detect *the dissemination of* child sexual abuse material previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1);

(a) indicators to detect child sexual abuse material previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1);

Or. en

Amendment 1602

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 44 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) indicators to detect the dissemination of child sexual abuse material not previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1);

deleted

Or. en

Amendment 1603

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 44 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) indicators to detect the dissemination of child sexual abuse

deleted

material not previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1);

Or. en

Amendment 1604

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 44 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) indicators to detect the dissemination of child sexual abuse material not previously detected and identified as constituting child sexual abuse material in accordance with Article 36(1); *deleted*

Or. en

Amendment 1605

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 44 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) indicators to detect the solicitation of children. *deleted*

Or. en

Amendment 1606

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 44 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) indicators to detect the solicitation of children. *deleted*

Or. en

Amendment 1607

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 44 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *indicators to detect the solicitation of children.*

deleted

Or. en

Amendment 1608

Rob Rooker

Proposal for a regulation

Article 44 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) relevant indicators, consisting of digital identifiers to be used to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, on hosting services and interpersonal communications services, generated by the EU Centre in accordance with paragraph 3;

(a) relevant indicators, consisting of digital identifiers to be used to detect the dissemination of known or new child sexual abuse material or the solicitation of children, as applicable, on hosting services and ***number independent*** interpersonal communications services, generated by the EU Centre in accordance with paragraph 3;

Or. en

Amendment 1609

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 44 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) relevant indicators, consisting of digital identifiers to be used to detect ***the dissemination of*** known ***or new*** child sexual abuse material ***or the solicitation of children***, as applicable, on hosting services and interpersonal communications services, generated by the EU Centre in

(a) relevant indicators, consisting of digital identifiers to be used to detect known child sexual abuse material, as applicable, on hosting services and ***number-independent*** interpersonal communications services, generated by the EU Centre in accordance with paragraph 3;

accordance with paragraph 3;

Or. en

Amendment 1610

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 44 – paragraph 2 – point a

Text proposed by the Commission

(a) relevant indicators, consisting of digital identifiers to be used to detect the dissemination of known *or new* child sexual abuse material *or the solicitation of children*, as applicable, on hosting services and interpersonal communications services, generated by the EU Centre in accordance with paragraph 3;

Amendment

(a) relevant indicators, consisting of digital identifiers to be used to detect the dissemination of known child sexual abuse material as applicable, on hosting services and *number-independent* interpersonal communications services, generated by the EU Centre in accordance with paragraph 3;

Or. en

Amendment 1611

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 44 – paragraph 2 – point b

Text proposed by the Commission

(b) as regards paragraph 1, point (a), the relevant indicators shall include a list of uniform resource locators compiled by the EU Centre in accordance with paragraph 3;

Amendment

deleted

Or. en

Amendment 1612

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 44 – paragraph 2 – point c

Text proposed by the Commission

(c) the necessary additional information to facilitate the use of the indicators in accordance with this Regulation, including identifiers allowing for a distinction between images, videos **and, where relevant, other types of material** for the detection of the dissemination of known **and new** child sexual abuse material **and language identifiers for the detection of solicitation of children**.

Amendment

(c) the necessary additional information to facilitate the use of the indicators in accordance with this Regulation, including identifiers allowing for a distinction between images **and** videos for the detection of the dissemination of known child sexual abuse material.

Or. en

Amendment 1613

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 44 – paragraph 2 – point c

Text proposed by the Commission

(c) the necessary additional information to facilitate the use of the indicators in accordance with this Regulation, including identifiers allowing for a distinction between images, videos and, where relevant, other types of material for the detection of **the dissemination of** known **and new** child sexual abuse material **and language identifiers for the detection of solicitation of children**.

Amendment

(c) the necessary additional information to facilitate the use of the indicators in accordance with this Regulation, including identifiers allowing for a distinction between images, videos and, where relevant, other types of material for the detection of known child sexual abuse material.

Or. en

Amendment 1614

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 44 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The EU Centre shall generate the indicators referred to in paragraph 2, point

Amendment

The EU Centre shall generate the indicators referred to in paragraph 2, point

(a), solely *on the basis of the* child sexual abuse material *and the solicitation of children* identified as such by the *Coordinating Authorities or the courts or other independent* authorities of the Member States, submitted to it by the Coordinating Authorities pursuant to Article 36(1), point (a).

(a), solely *from* child sexual abuse material identified as such by the *competent judicial* authorities of the Member States, submitted to it by the Coordinating Authorities pursuant to Article 36(1), point (a).

Or. en

Amendment 1615

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 44 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The EU Centre shall generate the indicators referred to in paragraph 2, point (a), solely on the basis of the child sexual abuse material *and the solicitation of children* identified as such by the Coordinating Authorities or the courts or other independent authorities of the Member States, submitted to it by the Coordinating Authorities pursuant to Article 36(1), point (a).

Amendment

The EU Centre shall generate the indicators referred to in paragraph 2, point (a), solely on the basis of the child sexual abuse material identified as such by the Coordinating Authorities or the courts or other independent authorities of the Member States, submitted to it by the Coordinating Authorities pursuant to Article 36(1), point (a).

Or. en

Amendment 1616

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 44 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The EU Centre shall compile the list of uniform resource locators referred to in paragraph 2, point (b), solely on the basis of the uniform resource locators submitted to it pursuant to Article 36(1),

Amendment

deleted

point (b).

Or. en

Amendment 1617

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 44 – paragraph 4

Text proposed by the Commission

4. The EU Centre shall keep records of the submissions and of the process applied to generate the indicators and compile the list referred to in the first and second subparagraphs. It shall keep those records for as long as the indicators, ***including the uniform resource locators, to which they correspond*** are contained in the databases of indicators referred to in paragraph 1.

Amendment

4. The EU Centre shall keep records of the submissions and of the process applied to generate the indicators and compile the list referred to in the first and second subparagraphs. It shall keep those records for as long as the indicators are contained in the databases of indicators referred to in paragraph 1.

Or. en

Amendment 1618

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzon, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer

Proposal for a regulation

Article 44 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The EU Centre shall ensure through all technical means available that the database of indicators is secure and cannot be altered by providers, users and any other actor at the moment of its deployment for the purpose of detection.

Or. en

Amendment 1619

Rob Rooken

Proposal for a regulation

Article 45 – paragraph 1

Text proposed by the Commission

1. The EU Centre shall create, maintain and operate a database for the reports submitted to it by providers of hosting services and providers of interpersonal communications services in accordance with Article 12(1) and assessed and processed in accordance with Article 48.

Amendment

1. The EU Centre shall create, maintain and operate a database for the reports submitted to it by providers of hosting services and providers of ***number independent*** interpersonal communications services in accordance with Article 12(1) and assessed and processed in accordance with Article 48.

Or. en

Amendment 1620

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 45 – paragraph 1

Text proposed by the Commission

1. The EU Centre shall create, maintain and operate a database for the reports submitted to it by providers of hosting services and providers of interpersonal communications services in accordance with Article 12(1) and assessed and processed in accordance with Article 48.

Amendment

1. The EU Centre shall create, maintain and operate a database for the reports submitted to it by providers of hosting services and providers of ***number-independent*** interpersonal communications services in accordance with Article 12(1) and assessed and processed in accordance with Article 48.

Or. en

Amendment 1621

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 45 – paragraph 1

Text proposed by the Commission

1. The EU Centre shall create, maintain and operate a database for the reports submitted to it by providers of hosting services and providers of interpersonal communications services in accordance with Article 12(1) and assessed

Amendment

1. The EU Centre shall create, maintain and operate a database for the reports submitted to it by providers of hosting services and providers of ***number-independent*** interpersonal communications services in accordance with Article 12(1)

and processed in accordance with Article 48.

and assessed and processed in accordance with Article 48.

Or. en

Amendment 1622

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 45 – paragraph 2 – point b

Text proposed by the Commission

(b) where the EU Centre considered the report manifestly unfounded, the reasons and the date and time of informing the provider in accordance with Article 48(2);

Amendment

(b) where the EU Centre considered the report ***unfounded or*** manifestly unfounded, the reasons and the date and time of informing the provider in accordance with Article 48(2);

Or. en

Amendment 1623

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 45 – paragraph 2 – point b

Text proposed by the Commission

(b) where the EU Centre considered the report ***manifestly*** unfounded, the reasons and the date and time of informing the provider in accordance with Article 48(2);

Amendment

(b) where the EU Centre considered the report unfounded, the reasons and the date and time of informing the provider in accordance with Article 48(2);

Or. en

Amendment 1624

Rob Rooken

Proposal for a regulation

Article 45 – paragraph 2 – point c

Text proposed by the Commission

(c) ***where the EU Centre forwarded the report in accordance with Article 48(3), the date and time of such***

Amendment

deleted

forwarding and the name of the competent law enforcement authority or authorities to which it forwarded the report or, where applicable, information on the reasons for forwarding the report solely to Europol for further analysis;

Or. en

Amendment 1625
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 45 – paragraph 2 – point c

Text proposed by the Commission

(c) where the EU Centre forwarded the report in accordance with Article 48(3), the date and time of such forwarding and the name of the competent law enforcement authority or authorities to which it forwarded the report *or, where applicable, information on the reasons for forwarding the report solely to Europol for further analysis;*

Amendment

(c) where the EU Centre forwarded the report in accordance with Article 48(3), the date and time of such forwarding and the name of the competent law enforcement authority or authorities to which it forwarded the report;

Or. en

Amendment 1626
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 45 – paragraph 2 – point c

Text proposed by the Commission

(c) where the EU Centre forwarded the report in accordance with Article 48(3), the date and time of such forwarding and the name of the competent law enforcement authority or authorities to which it forwarded the report *or, where applicable, information on the reasons for forwarding the report solely to Europol for further analysis;*

Amendment

(c) where the EU Centre forwarded the report in accordance with Article 48(3), the date and time of such forwarding and the name of the competent law enforcement authority or authorities to which it forwarded the report or

Amendment 1627

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 45 – paragraph 2 – point e

Text proposed by the Commission

(e) where available, information indicating that the provider that submitted a report concerning the dissemination of known *or new child* sexual abuse material removed *or disabled access to* the material;

Amendment

(e) where available, information indicating that the provider that submitted a report concerning the dissemination of known sexual abuse material removed the material;

Or. en

Amendment 1628

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 45 – paragraph 2 – point e

Text proposed by the Commission

(e) where available, information indicating that the provider that submitted a report concerning the dissemination of known *or new* child sexual abuse material removed *or disabled access to* the material;

Amendment

(e) where available, information indicating that the provider that submitted a report concerning the dissemination of known child sexual abuse material removed the material;

Or. en

Amendment 1629

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 45 – paragraph 2 – point e

Text proposed by the Commission

(e) where available, information indicating that the provider that submitted a report concerning the dissemination of *known or new* child sexual abuse material removed or disabled access to the material;

Amendment

(e) where available, information indicating that the provider that submitted a report concerning the dissemination of child sexual abuse material removed or disabled access to the material;

Amendment 1630
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 45 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) relevant indicators and ancillary tags associated with the reported potential child sexual abuse material.

deleted

Amendment 1631
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 46 – paragraph 1

Text proposed by the Commission

Amendment

1. Subject to paragraphs 2 and 3, solely EU Centre staff and auditors duly authorised by the Executive Director shall have access to and be entitled to process the data contained in the databases referred to in Articles 44 and 45.

1. Subject to paragraphs 2 and 3, solely EU Centre staff and auditors duly authorised by the Executive Director **and Data Protection Officer** shall have access to and be entitled to process the data contained in the databases referred to in Articles 44 and 45.

Amendment 1632
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 46 – paragraph 1

Text proposed by the Commission

Amendment

1. Subject to paragraphs 2 and 3, solely EU Centre staff and auditors duly authorised by the Executive Director shall have access to and be entitled to process the data contained in the databases referred to in **Articles 44 and 45**.

1. Subject to paragraphs 2 and 3, solely EU Centre staff and auditors duly authorised by the Executive Director shall have access to and be entitled to process the data contained in the databases referred to in **Article 45**.

Amendment 1633
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 46 – paragraph 2

Text proposed by the Commission

Amendment

2. The EU Centre shall give providers of hosting services, providers of interpersonal communications services and providers of internet access services access to the databases of indicators referred to in Article 44, where and to the extent necessary for them to execute the detection or blocking orders that they received in accordance with Articles 7 or 16. It shall take measures to ensure that such access remains limited to what is strictly necessary for the period of application of the detection or blocking orders concerned and that such access does not in any way endanger the proper operation of those databases and the accuracy and security of the data contained therein.

deleted

Amendment 1634
Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Lucia Ďuriš Nicholsonová
Proposal for a regulation
Article 46 – paragraph 2

Text proposed by the Commission

Amendment

2. The EU Centre shall give providers of hosting services, providers of interpersonal communications services and providers of internet access services access to the databases of indicators referred to in Article 44, where and to the extent necessary for them to execute the detection or blocking orders that they received in accordance with Articles 7 or 16. It shall take measures to ensure that such access remains limited to what is strictly

2. The EU Centre shall give providers of hosting services, providers of interpersonal communications services and providers of internet access services access to the databases of indicators referred to in Article 44, where and to the extent necessary for them to *put in place voluntary measures, when authorised, and* execute the detection or blocking orders that they received in accordance with Articles 7 or 16. It shall take measures

necessary for the period of application of the detection or blocking orders concerned and that such access does not in any way endanger the proper operation of those databases and the accuracy and security of the data contained therein.

to ensure that such access remains limited to what is strictly necessary for the period of application of the detection or blocking orders concerned ***as well as for the execution of the voluntary measures, when authorised,*** and that such access does not in any way endanger the proper operation of those databases and the accuracy and security of the data contained therein.

Or. en

Amendment 1635

Rob Rooker

Proposal for a regulation

Article 46 – paragraph 2

Text proposed by the Commission

2. The EU Centre shall give providers of hosting services, providers of interpersonal communications services and providers of internet access services access to the databases of indicators referred to in Article 44, where and to the extent necessary for them to execute the detection or blocking orders that they received in accordance with Articles 7 or 16. It shall take measures to ensure that such access remains limited to what is strictly necessary for the period of application of the detection or blocking orders concerned and that such access does not in any way endanger the proper operation of those databases and the accuracy and security of the data contained therein.

Amendment

2. The EU Centre shall give providers of hosting services, providers of ***number independent*** interpersonal communications services and providers of internet access services access to the databases of indicators referred to in Article 44, where and to the extent necessary for them to execute the detection or blocking orders that they received in accordance with Articles 7 or 16. It shall take measures to ensure that such access remains limited to what is strictly necessary for the period of application of the detection or blocking orders concerned and that such access does not in any way endanger the proper operation of those databases and the accuracy and security of the data contained therein.

Or. en

Amendment 1636

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 46 – paragraph 2

Text proposed by the Commission

Amendment

2. The EU Centre shall give providers of hosting services, providers of interpersonal communications ***services and providers of internet access*** services access to the databases of indicators referred to in Article 44, where and to the extent necessary for them to execute the detection ***or blocking*** orders that they received in accordance with Articles 7 ***or 16***. It shall take measures to ensure that such access remains limited to what is strictly necessary for the period of application of the detection ***or blocking*** orders concerned and that such access does not in any way endanger the proper operation of those databases and the accuracy and security of the data contained therein.

2. The EU Centre shall give providers of hosting services, providers of ***number-independent*** interpersonal communications services access to the databases of indicators referred to in Article 44, where and to the extent necessary for them to execute the detection orders that they received in accordance with Articles 7. It shall take measures to ensure that such access remains limited to what is strictly necessary for the period of application of the detection orders concerned and that such access does not in any way endanger the proper operation of those databases and the accuracy and security of the data contained therein.

Or. en

Amendment 1637

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 46 – paragraph 2

Text proposed by the Commission

Amendment

2. The EU Centre shall give providers of hosting services, providers of interpersonal communications services and providers of internet access services access to the databases of indicators referred to in Article 44, where and to the extent necessary for them to execute the detection **or blocking orders** that they received in accordance with Articles 7 or 16. It shall take measures to ensure that such access remains limited to what is strictly necessary for the period of application of the detection **or blocking orders** concerned and that such access does not in any way endanger the proper operation of those databases and the accuracy and security of the data contained therein.

2. The EU Centre shall give providers of hosting services, providers of **number-independent** interpersonal communications services and providers of internet access services access to the databases of indicators referred to in Article 44, where and to the extent necessary for them to execute the detection **warrants** that they received in accordance with Articles 7 or 16. It shall take measures to ensure that such access remains limited to what is strictly necessary for the period of application of the detection **warrants** concerned and that such access does not in any way endanger the proper operation of those databases and the accuracy and security of the data contained therein.

Or. en

Amendment 1638
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 46 – paragraph 3

Text proposed by the Commission

3. ***The EU Centre shall give Coordinating Authorities access to the databases of indicators referred to in Article 44 where and to the extent necessary for the performance of their tasks under this Regulation.***

Amendment

deleted

Or. en

Amendment 1639
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 46 – paragraph 4

Text proposed by the Commission

4. ***The EU Centre shall give Europol and the competent law enforcement authorities of the Member States access to the databases of indicators referred to in Article 44 where and to the extent necessary for the performance of their***

Amendment

deleted

tasks of investigating suspected child sexual abuse offences.

Or. en

Amendment 1640

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 46 – paragraph 4

Text proposed by the Commission

4. The EU Centre shall give ***Europol*** ***and*** the competent law enforcement authorities of the Member States access to the databases of indicators referred to in Article 44 where and to the extent necessary for the performance of their tasks of investigating suspected child sexual abuse offences.

Amendment

4. The EU Centre shall give the competent law enforcement authorities of the Member States access to the databases of indicators referred to in Article 44 where and to the extent necessary for the performance of their tasks of investigating suspected child sexual abuse offences.

Or. en

Amendment 1641

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 46 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The EU Centre shall give Europol access to the databases of indicators referred to in Article 44 only limited to specific data, such as hit/no hit procedure, and solely if necessary for the performance of their tasks of investigating cross-border cases of suspected child sexual abuse offences.

Or. en

Amendment 1642

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 46 – paragraph 5

Text proposed by the Commission

Amendment

5. The EU Centre shall give Europol access to the databases of reports referred to in Article 45, where and to the extent necessary for the performance of its tasks of assisting investigations of suspected child sexual abuse offences **deleted**

Or. en

Justification

it is not explained why it is necessary to grant Europol direct access to the information systems of a non-law enforcement agency, containing highly sensitive personal data, whose link to criminal activity and crime prevention may not have been established.

Amendment 1643

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 46 – paragraph 5

Text proposed by the Commission

Amendment

5. The EU Centre shall give Europol access to the databases of reports referred to in Article 45, where and to the extent necessary for the performance of its tasks of assisting investigations of suspected child sexual abuse offences **deleted**

Or. en

Amendment 1644

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 46 – paragraph 5

Text proposed by the Commission

Amendment

5. The EU Centre shall give Europol access to the databases of reports referred to in Article 45, where and to the extent necessary for the performance of its tasks of assisting investigations of suspected

5. The EU Centre shall give Europol access to the databases of *indicators and* reports referred to in *Article 44 and Article 45, solely on a case-by-case basis with cross-border elements,*

child sexual abuse offences

where and to the extent necessary for the performance of its tasks of assisting investigations of suspected child sexual abuse offences. ***The EU Centre shall provide the access only where a link to criminal activity can be demonstrated by Europol and solely upon the authorisation of a request, specifying the purpose of the request, the modalities of the requested access, the intended subsequent use and the degree of access needed to achieve that purpose. The requests for the access shall be introduced via the Secure Information Exchange Network Application (SIENA). The EU Centre shall diligently assess those requests and only grant access where it considers that the requested access is necessary for and proportionate to the specified purpose.***

Or. en

Justification

EDPS /EDPBOpinion Points

127-133https://edpb.europa.eu/system/files/2022-07/edpb_edps_jointopinion_202204_csam_en_0.pdf

Amendment 1645

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 46 – paragraph 6 – subparagraph 1

Text proposed by the Commission

The EU Centre shall provide the access referred to in ***paragraphs 2, 3, 4 and 5*** only upon the reception of a request, specifying the purpose of the request, the modalities of the requested access, and the degree of access needed to achieve that purpose. ***The requests for the access referred to in paragraph 2 shall also include a reference to the detection order or the blocking order, as applicable.***

Amendment

The EU Centre shall provide the access referred to in ***paragraph 5*** only upon the reception of a request, specifying the purpose of the request, the modalities of the requested access, and the degree of access needed to achieve that purpose.

Or. en

Amendment 1646

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 46 – paragraph 6 – subparagraph 1

Text proposed by the Commission

The EU Centre shall provide the access referred to in paragraphs 2, 3, **4 and 5** only upon the reception of a request, specifying the purpose of the request, the modalities of the requested access, and the degree of access needed to achieve that purpose. The requests for the access referred to in paragraph 2 shall also include a reference to the detection order or the blocking order, as applicable.

Amendment

The EU Centre shall provide the access referred to in paragraphs 2, 3 **and 4** only upon the reception of a request, specifying the purpose of the request, the modalities of the requested access, and the degree of access needed to achieve that purpose. The requests for the access referred to in paragraph 2 shall also include a reference to the detection order or the blocking order, as applicable.

Or. en

Amendment 1647

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 46 – paragraph 6 – subparagraph 1

Text proposed by the Commission

The EU Centre shall provide the access referred to in paragraphs 2, 3, 4 **and 5** only upon the reception of a request, specifying the purpose of the request, the modalities of the requested access, and the degree of access needed to achieve that purpose. The requests for the access referred to in paragraph 2 shall also include a reference to the detection order **or the blocking order**, as applicable.

Amendment

The EU Centre shall provide the access referred to in paragraphs 2, 3, 4 only upon the reception of a request, specifying the purpose of the request, the modalities of the requested access, and the degree of access needed to achieve that purpose. The requests for the access referred to in paragraph 2 shall also include a reference to the detection order as applicable.

Or. en

Amendment 1648

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 46 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The EU Centre shall diligently assess those requests and only grant access where it considers that the requested access is necessary for and proportionate to the specified purpose.

Amendment

The EU Centre shall **duly and** diligently assess those requests **on a case-by-case basis**, and only grant access where it considers that the requested access is necessary for and proportionate to the specified purpose. **Where it considers that an access request by Europol is necessary and proportionate, it shall provided the relevant data to Europol via the Secure Information Exchange Network Application (SIENA).**

Or. en

Amendment 1649

Carles Puigdemont i Casamajó

Proposal for a regulation

Article 46 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The EU Centre shall diligently assess those requests and only grant access where it considers that the requested access is necessary for and proportionate to the specified purpose.

Amendment

The EU Centre shall diligently assess those requests and only grant access where it considers that the requested access is necessary for and proportionate to the specified purpose, **and in accordance with Union law.**

Or. en

Amendment 1650

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 46 – paragraph 7

Text proposed by the Commission

7. The EU Centre shall regularly verify that the data contained in the databases referred to in Articles 44 and 45 is, in all respects, complete, accurate and up-to-date and continues to be necessary for the purposes of reporting, detection **and blocking** in accordance with this

Amendment

7. The EU Centre shall regularly verify that the data contained in the databases referred to in Articles 44 and 45 is, in all respects, complete, accurate and up-to-date and continues to be necessary for the purposes of reporting, detection in accordance with this Regulation, as well as

Regulation, as well as facilitating and monitoring of accurate detection technologies and processes. *In particular, as regards the uniform resource locators contained in the database referred to Article 44(1), point (a), the EU Centre shall, where necessary in cooperation with the Coordination Authorities, regularly verify that the conditions of Article 36(1), point (b), continue to be met. Those verifications shall include audits, where appropriate. Where necessary in view of those verifications, it shall immediately complement, adjust or delete the data.*

facilitating and monitoring of accurate detection technologies and processes.

Or. en

Amendment 1651
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 46 – paragraph 7

Text proposed by the Commission

7. The EU Centre shall regularly verify that the data contained in the databases referred to in **Articles 44 and 45** is, in all respects, complete, accurate and up-to-date and continues to be necessary for the purposes of reporting, **detection and blocking** in accordance with this Regulation, **as well as facilitating and monitoring of accurate detection technologies and processes. In particular, as regards the uniform resource locators contained in the database referred to Article 44(1), point (a), the EU Centre shall, where necessary in cooperation with the Coordination Authorities, regularly verify that the conditions of Article 36(1), point (b), continue to be met.** Those verifications shall include audits, where appropriate. Where necessary in view of those verifications, it shall immediately complement, adjust or delete the data.

Amendment

7. The EU Centre shall regularly verify that the data contained in the databases referred to in **Article 45** is, in all respects, complete, accurate and up-to-date and continues to be necessary for the purposes of reporting in accordance with this Regulation.. Those verifications shall include audits, where appropriate. Where necessary in view of those verifications, it shall immediately complement, adjust or delete the data.

Amendment 1652

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 46 – paragraph 7

Text proposed by the Commission

7. The EU Centre shall regularly verify that the data contained in the databases referred to in Articles 44 and 45 is, in all respects, complete, accurate and up-to-date and continues to be necessary for the purposes of reporting, detection **and blocking** in accordance with this Regulation, as well as facilitating and monitoring of accurate detection technologies and processes. In particular, as regards the uniform resource locators contained in the database referred to Article 44(1), point (a), the EU Centre shall, where necessary in cooperation with the Coordination Authorities, regularly verify that the conditions of Article 36(1), point (b), continue to be met. Those verifications shall include audits, where appropriate. Where necessary in view of those verifications, it shall immediately complement, adjust or delete the data.

Amendment

7. The EU Centre shall regularly verify that the data contained in the databases referred to in Articles 44 and 45 is, in all respects, complete, accurate and up-to-date and continues to be necessary for the purposes of reporting, detection in accordance with this Regulation, as well as facilitating and monitoring of accurate detection technologies and processes. In particular, as regards the uniform resource locators contained in the database referred to Article 44(1), point (a), the EU Centre shall, where necessary in cooperation with the Coordination Authorities, regularly verify that the conditions of Article 36(1), point (b), continue to be met. Those verifications shall include audits, where appropriate. Where necessary in view of those verifications, it shall immediately complement, adjust or delete the data.

Amendment 1653

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 46 – paragraph 8

Text proposed by the Commission

8. The EU Centre shall ensure that the

Amendment

8. The EU Centre shall ensure that the

data contained in the databases referred to in Articles 44 and 45 is stored in *a* secure **manner** and that the storage is subject to **appropriate** technical and organisational safeguards. Those safeguards shall ensure, in particular, that the data can be accessed and processed only by duly authorised persons for the purpose for which the person is authorised and that a high level of security is achieved. The EU Centre shall regularly review those safeguards and adjust them where necessary.

data contained in the databases referred to in Articles 44 and 45 is stored in *an* **encrypted or protected in a similarly** secure **way** and that the storage is subject to **highest state of the art** technical and organisational safeguards. Those safeguards shall ensure, in particular, that the data can be accessed and processed only by duly authorised persons for the purpose for which the person is authorised and that a high level of security is achieved. The EU Centre shall regularly review those safeguards and adjust them where necessary.

Or. en

Amendment 1654
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 46 – paragraph 8

Text proposed by the Commission

8. The EU Centre shall ensure that the data contained in the databases referred to in **Articles 44 and 45** is stored in a secure manner and that the storage is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the data can be accessed and processed only by duly authorised persons for the purpose for which the person is authorised and that a high level of security is achieved. The EU Centre shall regularly review those safeguards and adjust them where necessary.

Amendment

8. The EU Centre shall ensure that the data contained in the databases referred to in **Article 45** is stored in a secure manner and that the storage is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the data can be accessed and processed only by duly authorised persons for the purpose for which the person is authorised and that a high level of security is achieved. The EU Centre shall regularly review those safeguards and adjust them where necessary.

Or. en

Amendment 1655
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 46 a (new)

Text proposed by the Commission

Amendment

Article 46a

Logging

1. The EU Centre, the Coordinating Authorities and competent authorities shall provide for logs to be kept for at least the following processing operations, in relation to tasks performed on the basis of this Regulation: collection, alteration, consultation, disclosure including transfers, combination and erasure.

2. The logs of consultation and disclosure shall make possible to establish the justification, date and time of such operations and, as far as possible, the identification of the person who consulted or disclosed the data, and the identity of the recipients of such data.

3. The logs shall be used solely for verification of the lawfulness of processing, self-monitoring, ensuring the integrity and security of the personal data, and for criminal proceedings.

4. The EU Centre, the Coordinating Authorities and competent authorities shall make the logs available to the relevant data protection supervisory authority on request.

Or. en

Amendment 1656
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 47 – paragraph 1 – point a

Text proposed by the Commission

(a) the types, precise content, set-up and operation of the databases of indicators referred to in Article 44(1), including the indicators and the necessary additional information to be contained therein referred to in Article 44(2);

Amendment

deleted

Or. en

Amendment 1657

Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 47 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the processing of the submissions by Coordinating Authorities, the generation of the indicators, the compilation of the list of uniform resource locators and the record-keeping, referred to in Article 44(3); **deleted**

Or. en

Amendment 1658
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 47 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the processing of the submissions by Coordinating Authorities, the generation of the indicators, *the compilation of the list of uniform resource locators and the record-keeping*, referred to in Article 44(3);

(b) the processing of the submissions by Coordinating Authorities, the generation of the indicators referred to in Article 44(3);

Or. en

Amendment 1659
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 47 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) access to the databases referred to in Articles 44 and 45, including the modalities of the access referred to in Article 46(1) to (5), the content, processing and assessment of the requests referred to in Article 46(6), procedural **deleted**

matters related to such requests and the necessary measures referred to in Article 46(6);

Or. en

Justification

What is the justification for a delegated to regulate the access?

Amendment 1660

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 47 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) access to the databases referred to in Articles 44 and 45, including the modalities of the access referred to in Article 46(1) to (5), the content, processing and assessment of the requests referred to in Article 46(6), procedural matters related to such requests and the necessary measures referred to in Article 46(6); *deleted*

Or. en

Justification

access to the databases with highly sensitive data should not be granted by delegated acts

Amendment 1661

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 47 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) access to the databases referred to in **Articles 44 and 45**, including the modalities of the access referred to in Article 46(1) to (5), the content, processing and assessment of the requests referred to in Article 46(6), procedural matters related to such requests and the necessary measures referred to in Article 46(6);

(d) access to the databases referred to in **Article 45**, including the modalities of the access referred to in Article 46(1) to (5), the content, processing and assessment of the requests referred to in Article 46(6), procedural matters related to such requests and the necessary measures referred to in Article 46(6);

Amendment 1662
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 47 – paragraph 1 – point e

Text proposed by the Commission

(e) the regular verifications and audits to ensure that the data contained in **those databases** is complete, accurate and up-to-date referred to in Article 46(7) and the security of the storage of the data, including the technical and organisational safeguards and regular review referred to in Article 46(8).

Amendment

(e) the regular verifications and audits to ensure that the data contained in **this database** is complete, accurate and up-to-date referred to in Article 46(7) and the security of the storage of the data, including the technical and organisational safeguards and regular review referred to in Article 46(8).

Amendment 1663
Rob Rooken
Proposal for a regulation
Article 48 – paragraph 1

Text proposed by the Commission

1. The EU Centre shall expeditiously assess and process reports submitted by providers of hosting services and providers of interpersonal communications services in accordance with Article 12 to determine whether the reports are manifestly unfounded or are to be forwarded.

Amendment

1. The EU Centre shall expeditiously assess and process reports submitted by providers of hosting services and providers of **number independent** interpersonal communications services in accordance with Article 12 to determine whether the reports are manifestly unfounded or are to be forwarded.

Amendment 1664
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Paul Tang, Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 48 – paragraph 1

Text proposed by the Commission

Amendment

1. The EU Centre shall expeditiously assess and process reports submitted by providers of hosting services and providers of interpersonal communications services in accordance with Article 12 to determine whether the reports are *manifestly* unfounded or are to be forwarded.

1. The EU Centre shall expeditiously assess and process reports submitted by providers of hosting services and providers of *number-independent* interpersonal communications services in accordance with Article 12 to determine whether the reports are unfounded or are to be forwarded.

Or. en

Amendment 1665

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 48 – paragraph 1

Text proposed by the Commission

1. The EU Centre shall expeditiously assess and process reports submitted by providers of hosting services and providers of interpersonal communications services in accordance with Article 12 to determine whether the reports are *manifestly* unfounded or are to be forwarded.

Amendment

1. The EU Centre shall expeditiously assess and process reports submitted by providers of hosting services and providers of interpersonal communications services in accordance with Article 12 to determine whether the reports are unfounded or are to be forwarded.

Or. en

Amendment 1666

Alessandra Mussolini

Proposal for a regulation

Article 48 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Il Centro dell'UE metterà a disposizione degli utenti un numero telefonico gratuito che fornirà loro assistenza in caso di sospetta violazione delle disposizioni del presente regolamento.

Or. it

Amendment 1667

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Article 48 – paragraph 1 a (new)

1a. *Where the EU Centre receives a report from a Hotline, or from a provider who indicated that the report is based on the information received from a Hotline, the EU Centre shall monitor the removal of child sexual abuse material or cooperate with the Hotline to track its status to avoid duplicated reporting on the same material that has already been reported to the national law enforcement authorities.*

Or. en

Amendment 1668

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 48 – paragraph 2

Text proposed by the Commission

2. Where the EU Centre considers that the report is ***manifestly*** unfounded, it shall inform the provider that submitted the report, specifying the reasons why it considers the report to be unfounded.

Amendment

2. Where the EU Centre considers that the report is unfounded, it shall inform the provider that submitted the report, specifying the reasons why it considers the report to be unfounded. ***In cases of unfounded reports the EU Centre shall capture a cryptographic hash value from the reported file and shall store it together with the name of the provider who submitted the report and the date when it was submitted solely for statistical purposes. The unfounded report and any personal data related to it shall be deleted not later than 24h after the provider was informed.***

Or. en

Amendment 1669

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 48 – paragraph 2

Text proposed by the Commission

2. Where the EU Centre considers that the report is ***manifestly*** unfounded, it shall inform the provider that submitted the report, specifying the reasons why it considers the report to be unfounded.

Amendment

2. Where the EU Centre considers that the report is unfounded, it shall inform the provider that submitted the report, specifying the reasons why it considers the report to be unfounded.

Or. en

Amendment 1670

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 48 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where the EU Centre considers that a report is not ***manifestly*** unfounded, it shall forward the report, together with any additional relevant information available to it, ***to Europol and*** to the competent law enforcement authority or authorities of the Member State likely to have jurisdiction to investigate or prosecute the potential child sexual abuse to which the report relates.

Amendment

Where the EU Centre considers that a report is not unfounded, it shall forward the report, ***that is adequate, relevant and limited to what is strictly necessary*** together with any additional relevant information available to it, to the competent law enforcement authority or authorities of the Member State likely to have jurisdiction to investigate or prosecute the potential child sexual abuse to which the report relates.

Or. en

Justification

The Proposal does not clarify what would be the added value of Europol's involvement or its expected role upon receiving the reports, particularly in those cases where the national law enforcement authority has been identified and notified in parallel. A blanket forwarding of reports to Europol would therefore be in contravention with the amended Europol Regulation and would carry a number of data protection risks. This should explicitly exclude those circumstances where reports have been transmitted to the relevant Member State law enforcement authority, which imply no cross-border dimension.

Amendment 1671

Patrick Breyer

on behalf of the Verts/ALE Group
Proposal for a regulation
Article 48 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where the EU Centre considers that a report is not **manifestly** unfounded, it shall forward the report, together with any additional relevant information available to it, **to Europol and** to the competent law enforcement authority or authorities of the Member State likely to have jurisdiction to investigate or prosecute the potential child sexual abuse to which the report relates.

Amendment

Where, **after a thorough legal and factual assessment**, the EU Centre considers that a report is not unfounded **and actionable**, it shall forward the report, together with any additional relevant information available to it to the competent law enforcement authority or authorities of the Member State likely to have jurisdiction to investigate or prosecute the potential child sexual abuse to which the report relates.

Or. en

Justification

A blanket forwarding of reports to Europol would be in contravention with the amended Europol Regulation and would carry a number of data protection risks. The duplication of personal data processing could lead to multiple copies of the same highly sensitive personal data being stored in parallel (e.g. at the EU Centre, Europol, national law enforcement authority), with risks for data accuracy as a result of the potential desynchronisation of databases, as well as for the exercise of data subjects' rights.

Amendment 1672
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 48 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where the EU Centre considers that a report is not manifestly unfounded, it **shall** forward the report, together with any additional relevant information available to it, **to Europol and** to the competent law enforcement authority or authorities of the Member State likely to have jurisdiction to investigate or prosecute the potential child sexual abuse to which the report relates.

Amendment

Where the EU Centre considers that a report is not manifestly unfounded, it **may** forward the report, **with consent of the survivor, where possible**, together with any additional relevant information available to it to the competent law enforcement authority or authorities of the Member State likely to have jurisdiction to investigate or prosecute the potential child sexual abuse to which the report relates.

Or. en

Amendment 1673

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 48 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

Where that competent law enforcement authority or those competent law enforcement authorities cannot be determined with sufficient certainty, the EU Centre shall forward the report, together with any additional relevant information available to it, to Europol, for further analysis and subsequent referral by Europol to the competent law enforcement authority or authorities.

deleted

Or. en

Amendment 1674

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 48 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

Where that competent law enforcement authority or those competent law enforcement authorities cannot be determined with sufficient certainty, the EU Centre ***shall*** forward the report, together with any additional relevant information available to it, to Europol, for further analysis and subsequent referral by Europol to the competent law enforcement authority or authorities.

Where that competent law enforcement authority or those competent law enforcement authorities cannot be determined with sufficient certainty, the EU Centre ***may*** forward the report, ***with consent of the survivor, where possible,*** together with any additional relevant information available to it, to Europol, for further analysis and subsequent referral by Europol to the competent law enforcement authority or authorities. ***The report submitted to Europol shall only contain information necessary for the purpose of identifying the competent law enforcement authority.***

Or. en

Amendment 1675

Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 48 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Where that competent law enforcement authority or those competent law enforcement authorities cannot be determined with sufficient certainty, the EU Centre shall forward the report, together with any additional relevant information available to it, to Europol, for further analysis and subsequent referral by Europol to the competent law enforcement authority or authorities.

Amendment

Only where that competent law enforcement authority or those competent law enforcement authorities cannot be determined with sufficient certainty **by a thorough factual assessment**, the EU Centre shall forward the report, together with any additional relevant information available to it, to Europol, for further analysis and subsequent referral by Europol to the competent law enforcement authority or authorities. .

Or. en

Amendment 1676
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 48 – paragraph 6 – introductory part

Text proposed by the Commission

6. Where ***so requested by a competent law enforcement authority of a Member State in order to avoid interfering with activities*** for the prevention, detection, investigation and prosecution of child sexual abuse offences, the EU Centre shall:

Amendment

6. Where ***it is necessary and proportionate to safeguard*** the prevention, detection, investigation and prosecution of child sexual abuse offences ***in a specific case and where requested by a competent law enforcement authority of a Member State***, the EU Centre shall:

Or. en

Amendment 1677
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 48 – paragraph 6 – point b

Text proposed by the Commission

Amendment

(b) where the provider that submitted the report is a provider of hosting services and the report concerns the potential dissemination of child sexual abuse material, communicate to the provider that it is not to remove *or disable access to* the material, specifying the time period during which the provider is not to do so.

(b) where the provider that submitted the report is a provider of hosting services and the report concerns the potential dissemination of child sexual abuse material, communicate to the provider that it is not to remove the material, specifying the time period during which the provider is not to do so.

Or. en

Amendment 1678
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 48 – paragraph 7

Text proposed by the Commission

7. The time periods referred to in the first subparagraph, points (a) and (b), shall be those specified in the competent law enforcement authority's request to the EU Centre, *provided that they* remain limited to what is necessary *to avoid interference with the relevant activities and does* not exceed *18* months.

Amendment

7. The time periods referred to in the first subparagraph *of paragraph 6*, points (a) and (b), shall be those specified in the competent law enforcement authority's request to the EU Centre. *These time periods shall* remain limited to what is necessary *and proportionate in a democratic society with due regard to the fundamental rights and legitimate interests of the natural persons concerned and in any caseshall* not exceed *4* months.

Or. en

Amendment 1679
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 48 – paragraph 8

Text proposed by the Commission

8. The EU Centre shall verify whether a provider of hosting services that submitted a report concerning the potential dissemination of child sexual abuse material removed *or disabled access to* the material, insofar as the material is publicly accessible. Where it considers that the provider did not remove *or disable access to* the material expeditiously, the EU Centre shall inform the Coordinating

Amendment

8. The EU Centre shall verify whether a provider of hosting services that submitted a report concerning the potential dissemination of child sexual abuse material removed the material, insofar as the material is publicly accessible. Where it considers that the provider did not remove the material expeditiously, the EU Centre shall inform the Coordinating Authority of

Authority of establishment thereof.

establishment thereof.

Or. en

Amendment 1680

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 48 – paragraph 8

Text proposed by the Commission

8. The EU Centre shall verify whether a provider of hosting services that submitted a report concerning the potential dissemination of child sexual abuse material removed ***or disabled access to*** the material, insofar as the material is publicly accessible. Where it considers that the provider did not remove ***or disable access to*** the material expeditiously, the EU Centre shall inform the Coordinating Authority of establishment thereof.

Amendment

8. The EU Centre shall verify whether a provider of hosting services that submitted a report concerning the potential dissemination of child sexual abuse material removed the material, insofar as the material is publicly accessible. Where it considers that the provider did not remove the material expeditiously, the EU Centre shall inform the Coordinating Authority of establishment thereof.

Or. en

Amendment 1681

Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy

Proposal for a regulation

Article 48 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Where the EU Centre receives a report from a hotline, or where a provider that submitted the report to the EU Centre has indicated that the report is based on the information received from a hotline, the EU Centre shall:

(a) refrain from forwarding the report to the competent law enforcement authority or authorities to avoid duplicated reporting on the same material that has already been reported to the national law enforcement by the hotlines;

(b) monitor the removal of the child sexual abuse material or cooperate with the relevant hotline to track the status.

Or. en

Amendment 1682

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 48 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. *The EU Center shall not retain the personal data contained in the reports it receives for a period longer than two working days. This period may be extended by up to one week where duly justified and documented.*

Or. en

Amendment 1683

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 48 – paragraph 8 b (new)

Text proposed by the Commission

Amendment

8b. *The EU Center shall keep logs for any of the following processing operations in automated processing systems: the entry, alteration, access, consultation, disclosure, combination and erasure of personal data. The logs of consultation and disclosure shall make possible to establish the justification for, and the date and time of, such operations, the identification of the person who consulted or disclosed operational personal data, and, as far as possible, the identity of the recipients. These logs shall be used for verification of the lawfulness of processing, self-monitoring, and for ensuring its integrity and security. These logs shall be made available to the EU Centre's data protection officer and to the*

EDPS on request. Such logs shall be deleted after three years, unless they are required for ongoing control.

Or. en

Justification

EDPS-EDPB opinion para 116

Amendment 1684

Rob Rooker

Proposal for a regulation

Article 49

Text proposed by the Commission

Amendment

Article 49

deleted

Searches and notification

1. The EU Centre shall have the power to conduct searches on hosting services for the dissemination of publicly accessible child sexual abuse material, using the relevant indicators from the database of indicators referred to in Article 44(1), points (a) and (b), in the following situations:

(a) where so requested to support a victim by verifying whether the provider of hosting services removed or disabled access to one or more specific items of known child sexual abuse material depicting the victim, in accordance with Article 21(4), point (c);

(b) where so requested to assist a Coordinating Authority by verifying the possible need for the issuance of a detection order or a removal order in respect of a specific service or the effectiveness of a detection order or a removal order that the Coordinating Authority issued, in accordance with Article 25(7), points (c) and (d), respectively.

2.

The EU Centre shall have the power to

notify, after having conducted the searches referred to in paragraph 1, providers of hosting services of the presence of one or more specific items of known child sexual abuse material on their services and request them to remove or disable access to that item or those items, for the providers' voluntary consideration.

The request shall clearly set out the identification details of the EU Centre and a contact point, the necessary information for the identification of the item or items, as well as the reasons for the request. The request shall also clearly state that it is for the provider's voluntary consideration.

3. Where so requested by a competent law enforcement authority of a Member State in order to avoid interfering with activities for the prevention, detection, investigation and prosecution of child sexual abuse offences, the EU Centre shall not submit a notice, for as long as necessary to avoid such interference but no longer than 18 months.

Or. en

Amendment 1685
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 49 – paragraph 1 – introductory part

Text proposed by the Commission

1. The EU Centre shall have the power to conduct searches on hosting services for the dissemination of publicly accessible child sexual abuse material, *using the relevant indicators from the database of indicators referred to in Article 44(1), points (a) and (b)*, in the following situations:

Amendment

1. The EU Centre shall have the power to conduct searches on hosting services for the dissemination of publicly accessible child sexual abuse material, in the following situations:

Or. en

Amendment 1686

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 49 – paragraph 1 – introductory part

Text proposed by the Commission

1. The EU Centre shall have the power to conduct searches on hosting services for the dissemination of publicly accessible child sexual abuse material, using the relevant indicators from the database of indicators referred to in Article 44(1), **points (a) and (b)**, in the following situations:

Amendment

1. The EU Centre shall have the power to conduct searches on hosting services for the dissemination of publicly accessible child sexual abuse material, using the relevant indicators from the database of indicators referred to in Article 44(1), **point (a)**, in the following situations:

Or. en

Amendment 1687

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 49 – paragraph 1 – introductory part

Text proposed by the Commission

1. The EU Centre shall have the power to conduct searches on hosting services for **the dissemination of publicly accessible** child sexual abuse material, using the relevant indicators from the database of indicators referred to in Article 44(1), points (a) **and (b)**, in the following situations:

Amendment

1. The EU Centre shall have the power to conduct searches **of publicly accessible content** on hosting services for **known** child sexual abuse material, using the relevant indicators from the database of indicators referred to in Article 44(1), points (a) in the following situations:

Or. en

Amendment 1688

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 49 – paragraph 1 – point a

Text proposed by the Commission

(a) where so requested to support a **victim** by verifying whether the provider of

Amendment

(a) where so requested to support a **survivor** by verifying whether the provider

hosting services removed ***or disabled access to*** one or more specific items of known child sexual abuse material depicting the ***victim***, in accordance with Article 21(4), point (c);

of hosting services removed one or more specific items of known child sexual abuse material depicting the ***survivor***, in accordance with Article 21(4), point (c);

Or. en

Amendment 1689

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 49 – paragraph 1 – point b

Text proposed by the Commission

(b) where so requested to assist a Coordinating Authority by verifying the possible need for ***the issuance of a detection order or*** a removal order in respect of a specific service or the effectiveness of ***a detection order or*** a removal order that the Coordinating Authority issued, in accordance with Article 25(7), points (c) and (d), respectively.

Amendment

(b) where so requested to assist a Coordinating Authority by verifying the possible need for a removal order in respect of a specific service or the effectiveness of a removal order that the Coordinating Authority issued, in accordance with Article 25(7), points (c) and (d), respectively.

Or. en

Amendment 1690

Patrick Breyer

on behalf of the Verts/ALE Group

Rob Rooken, Paul Tang, Karen Melchior, Cristian Terheş

Proposal for a regulation

Article 49 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) proactively of its own initiative by systematically and automatically analysing and following publicly accessible uniform resource locators (web crawling).

Or. en

Justification

As successfully done by the Canadian Center on Child Protection

Amendment 1691

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 49 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The EU Centre shall have the power to notify, after having conducted the searches referred to in paragraph 1, providers of hosting services of the presence of one or more specific items of known child sexual abuse material on their services and request them to remove *or disable access to* that item or those items, *for the providers' voluntary consideration*.

Amendment

The EU Centre shall have the power to notify, after having conducted the searches referred to in paragraph 1, *the Coordinating Authority to request a removal order pursuant to Article 14 and the* providers of hosting services of the presence of one or more specific items of known child sexual abuse material on their services and request them to remove that item or those items.

Or. en

Amendment 1692

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 49 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The EU Centre shall have the power to notify, after having conducted the searches referred to in paragraph 1, providers of hosting services of the presence of one or more specific items of known child sexual abuse material on their services and request them to remove *or disable access to* that item or those items, for the providers' voluntary consideration.

Amendment

The EU Centre shall have the power to notify, after having conducted the searches referred to in paragraph 1, providers of hosting services of the presence of one or more specific items of known child sexual abuse material on their services and request them to remove that item or those items, for the providers' voluntary consideration.

Or. en

Amendment 1693

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 49 – paragraph 3

Text proposed by the Commission

Amendment

3. Where *so requested by a competent law enforcement authority of a Member State in order to avoid interfering with activities for* the prevention, detection, investigation and prosecution of child sexual abuse offences, the EU Centre shall not submit a notice, *for as long as necessary to avoid such interference but no* longer than 18 months.

3. Where *it is necessary and proportionate to safeguard* the prevention, detection, investigation and prosecution of child sexual abuse offences *in a specific case and where requested by a competent law enforcement authority of a Member State* the EU Centre shall not submit a notice. *This non-submission shall be timely limited to what is necessary and proportionate in a democratic society with due regard for the fundamental rights and legitimate interests of the natural persons concerned and in any case not* longer than 4 months.

Or. en

Amendment 1694
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 50 – title

Text proposed by the Commission

Amendment

Technologies, information and expertise

Information and expertise

Or. en

Amendment 1695
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 50 – paragraph 1

Text proposed by the Commission

Amendment

1. The EU Centre shall make available technologies that providers of hosting services and providers of interpersonal communications services may acquire, install and operate, free of charge, where relevant subject to reasonable licensing conditions, to execute detection orders in accordance with Article 10(1).

deleted

To that aim, the EU Centre shall compile lists of such technologies, having regard to the requirements of this Regulation

and in particular those of Article 10(2).

Before including specific technologies on those lists, the EU Centre shall request the opinion of its Technology Committee and of the European Data Protection Board. The Technology Committee and the European Data Protection Board shall deliver their respective opinions within eight weeks. That period may be extended by a further six weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay.

Or. en

Amendment 1696

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The EU Centre shall make available technologies that providers of hosting services and providers of interpersonal communications services may acquire, install and operate, free of charge, where relevant subject to reasonable licensing conditions, to execute detection orders in accordance with Article 10(1).

Amendment

The EU Centre shall make available technologies that providers of hosting services and providers of ***number-independent*** interpersonal communications services may acquire, install and operate, free of charge, where relevant subject to reasonable licensing conditions, to execute detection orders in accordance with Article 10(1). ***The EU Centre shall provide recommended mitigating measures and relevant best practices that are in particular effective in identifying child sexual abuse material that result from the operation of providers' mitigating measures, in accordance with Article 4 of the Regulation.***

Amendment 1697

Javier Moreno Sánchez, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Pietro Bartolo, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Helène Fritzson, Estrella Durá Ferrandis, Evin Incir, Carina Ohlsson, Caterina Chinnici, Cyrus Engerer
Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The EU Centre shall make available technologies that providers of hosting services and providers of interpersonal communications services may acquire, install and operate, free of charge, where relevant subject to reasonable licensing conditions, to execute detection orders in accordance with Article 10(1).

Amendment

The EU Centre shall make available:

(i) technologies that providers of hosting services and providers of interpersonal communications services may acquire, install and operate, free of charge, where relevant subject to reasonable licensing conditions, to execute detection orders in accordance with Article 10(1).

(ii) technologies that providers of end-to-end encrypted electronic communication services may acquire, install and operate, free of charge, where relevant subject to reasonable licencing conditions, to adopt the security measures imposed on them by Article 7(3)(a).

Amendment 1698

Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlani, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior
Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The EU Centre shall make available technologies that providers of hosting services and providers of interpersonal communications services may acquire,

Amendment

The EU Centre shall make available technologies that providers of hosting services and providers of interpersonal communications services may acquire,

install and operate, free of charge, where relevant subject to reasonable licensing conditions, to execute detection orders in accordance with Article 10(1).

install and operate, free of charge, where relevant subject to reasonable licensing conditions, to execute detection orders in accordance with Article 10(1) ***concerning the online activities of persons suspected of being involved in child sexual abuse and persons disqualified from exercising activities involving children.***

Or. en

Justification

According to opinion 8787/23 of the Council's legal service, if the Council were to decide to maintain interpersonal communications within the scope of the regime of the detection order, the regime should be targeted in such a way that it applies to persons in respect of whom there are reasonable grounds to believe that they are in some way involved in, committing or have committed a child sexual abuse offence, or have a connection, at least indirectly, with the commission of sexual abuse offences.

Amendment 1699

Rob Rooker

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The EU Centre shall make available technologies that providers of hosting services and providers of interpersonal communications services may acquire, install and operate, free of charge, where relevant subject to reasonable licensing conditions, to execute detection orders in accordance with Article 10(1).

Amendment

The EU Centre shall make available technologies that providers of hosting services and providers of ***number independent*** interpersonal communications services may acquire, install and operate, free of charge, where relevant subject to reasonable licensing conditions, to execute detection orders in accordance with Article 10(1).

Or. en

Amendment 1700

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The EU Centre shall provide recommended mitigating measures and relevant best practices that are in particular effective in identifying child sexual abuse material that result from the operation of providers' mitigating measures, in accordance with Article 4 of the Regulation.

Or. en

Justification

The EDPB and EDPS note that under Article 50 of the Proposal, the EU Centre is tasked to specify the list of the technologies that may be used for executing detection orders. However, according to Article 12(1) of the Proposal, providers are obliged to report all information indicating potential online child sexual abuse on its services, not only the ones coming from the execution of a detection order. It is highly probable that a significant amount of such information would come from the operation of providers' mitigating measures, in accordance with Article 4 of the Proposal. It thus seems critical to determine what these measures might be, their effectiveness, their error rate in reporting potential child sexual abuse, and what is their impact on the rights and freedoms of individuals. Despite the fact that Article 4(5) of the Proposal states that the Commission, in cooperation with Coordinating Authorities and the EU Centre and after having conducted a public consultation, may issue relevant guidelines, the EDPB and EDPS find it important that the legislator includes in Article 50 a task for the EU Centre to provide also a list of recommended mitigating measures and relevant best practices that are in particular effective in identifying potential online child sexual abuse. As such measures may interfere with the fundamental rights to data protection and privacy it is also recommended that the EU Centre ask for the opinion of the EDPB before issuing such a list

Amendment 1701

Moritz Körner, Sophia in 't Veld, Yana Toom, Morten Petersen, Abir Al-Sahlani, Michal Šimečka, Jan-Christoph Oetjen, Svenja Hahn, Karen Melchior

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 2

Text proposed by the Commission

To that aim, the EU Centre shall compile lists of such technologies, having regard to the requirements of this Regulation and in particular those of Article 10(2).

Amendment

To that aim, the EU Centre shall compile lists of such technologies, having regard to the requirements of this Regulation and in particular those of Article 10(2) ***and Article 19a (new).***

Or. en

Justification

Article 19 a (new) Respect to Privacy: Nothing in this Regulation shall be interpreted as a requirement to 1. break cryptography; 2. scan content on users' devices; 3. restrict anonymous access to online services and software applications.

Amendment 1702

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Before including specific technologies on those lists, the EU Centre shall request the opinion of its Technology Committee and of the European Data Protection Board. The Technology Committee and the European Data Protection Board shall deliver their respective opinions within eight weeks. That period may be extended by a further six weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay.

Amendment

Before including specific technologies on those lists, the EU Centre shall request the ***authoritative*** opinion of its Technology Committee and of the European Data Protection Board, ***which it shall fully take into account***. The Technology Committee and the European Data Protection Board shall deliver their respective opinions within eight weeks. That period may be extended by a further six weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay. ***EU Center shall inform the European Data Protection Board of the action it has taken following its opinion, which shall have the right to object to the inclusion of the specific technology in the lists if it deems that its opinion has not been duly taken into consideration. This opinion shall be notwithstanding the case-by-case assessment of the intended processing by the relevant controller under articles 35 and 36 of Regulation 2016/679.***

Or. en

Justification

EDPS-EDPB opinion para 108-109

Amendment 1703
Javier Zarzalejos
Proposal for a regulation
Article 50 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Before including specific technologies on those lists, the EU Centre shall request the **opinion** of its Technology Committee and of the European Data Protection Board. The Technology Committee and the European Data Protection Board shall deliver their respective opinions within eight weeks. That period may be extended by a further six weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay.

Amendment

Before including specific technologies on those lists, the EU Centre shall request the **opinions** of its Technology Committee and **Victims' Consultative Forum, and, upon request of the European Commission, the opinion** of the European Data Protection Board. The Technology Committee and the European Data Protection Board shall deliver their respective opinions within eight weeks. That period may be extended by a further six weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay. **Where the EU Centre substantially deviates from those opinions, it shall inform the Technology Committee, the Victims' Consultative Forum, or the European Data Protection Board and the Commission thereof, specifying the points where it deviated and the main reasons for that deviation.**

Or. en

Amendment 1704
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 50 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Before including specific technologies on those lists, the EU Centre shall request the opinion of its Technology Committee and of the European Data Protection Board. The Technology Committee and the European Data Protection Board shall deliver their respective opinions within

Amendment

Before including specific technologies on those lists, the EU Centre shall request the opinion of its Technology Committee, **the Experts Consultative Forum**, and of the European Data Protection Board. The Technology Committee and the European Data Protection Board shall deliver their

eight weeks. That period may be extended by a further six weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay.

respective opinions within eight weeks. That period may be extended by a further six weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay.

Where the EU Centre substantially deviates from those opinions, it shall inform the Technology Committee or the European Data Protection Board and the Commission thereof, specifying the points at which it deviated and the main reasons for the deviation.

Or. en

Amendment 1705

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Before including specific technologies on those lists, the EU Centre shall request the opinion of its Technology Committee and of the European Data Protection Board. The Technology Committee and the European Data Protection Board shall deliver their respective opinions within ***eight*** weeks. That period may be extended by a further ***six*** weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay.

Amendment

Before including specific technologies on those lists, the EU Centre shall request the opinion of its Technology Committee and of the European Data Protection Board. The Technology Committee and the European Data Protection Board shall deliver their respective opinions within ***10*** weeks. That period may be extended by a further ***12*** weeks where necessary, taking into account the complexity of the subject matter. The Technology Committee and the European Data Protection Board shall inform the EU Centre of any such extension within one month of receipt of the request for consultation, together with the reasons for the delay.

Amendment 1706

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

The EU Centre shall respect the positions and findings in the opinion provided by the European Data Protection Board before making specific technologies available.

Or. en

Justification

The Proposal does not indicate how the EU Centre will proceed after receiving an opinion by the EDPB. Recital 27 of the Proposal merely states that advice given by the EDPB should be taken into account by the EU Centre and the European Commission. It should therefore be clarified what purpose the requested opinion will serve in the process provided in Article 50 of the Proposal and how the EU Centre is to act after having received an opinion by the EDPB.

Amendment 1707

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The EU Centre shall collect, record, analyse and make available relevant, objective, reliable and comparable information on matters related to the prevention and combating of child sexual abuse, in particular:

2. The EU Centre shall collect, record, ***aggregate***, analyse and ***proactively*** make available relevant, objective, reliable and comparable information on matters related to the prevention and combating of child sexual abuse ***to relevant bodies, Member States, EU institutions and relevant civil society organisations and research institutes***, in particular:

Or. en

Amendment 1708
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 50 – paragraph 2 – point a

Text proposed by the Commission

(a) information obtained in the performance of its tasks under this Regulation concerning ***detection***, reporting, removal ***or disabling of access to, and blocking*** of online child sexual abuse;

Amendment

(a) information obtained in the performance of its tasks under this Regulation concerning reporting ***and*** removal of online child sexual abuse;

Or. en

Amendment 1709
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 50 – paragraph 2 – point a

Text proposed by the Commission

(a) information obtained in the performance of its tasks under this Regulation concerning detection, reporting, removal ***or disabling of access to, and blocking*** of online child sexual abuse;

Amendment

(a) information obtained in the performance of its tasks under this Regulation concerning detection, reporting, removal of online child sexual abuse;

Or. en

Amendment 1710
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 50 – paragraph 2 – point a

Text proposed by the Commission

(a) information obtained in the performance of its tasks under this Regulation concerning ***detection***, reporting, removal or disabling of access to, ***and blocking*** of online child sexual abuse;

Amendment

(a) information obtained in the performance of its tasks under this Regulation concerning, reporting, removal or disabling of access to online child sexual abuse;

Amendment 1711

Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Abir Al-Sahlani, Lucia Ďuriš Nicholsonová

Proposal for a regulation

Article 50 – paragraph 2 – point c

Text proposed by the Commission

(c) information resulting from research or other activities conducted by Member States' authorities, other Union institutions, bodies, offices and agencies, the competent authorities of third countries, international organisations, research centres and civil society organisations.

Amendment

(c) information resulting from research or other activities conducted by Member States' authorities, other Union institutions, bodies, offices and agencies, the competent authorities of third countries, international organisations, research centres, **hotlines** and civil society organisations.

Or. en

Amendment 1712

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) information obtained in the performance of its tasks under this Regulation concerning victim assistance and support.

Or. en

Amendment 1713

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 50 – paragraph 3

Text proposed by the Commission

Amendment

3. Where necessary for the performance of its tasks under this Regulation, the EU Centre shall carry out, participate in or encourage research, surveys and studies, either on its own initiative or, where appropriate and compatible with its priorities and its annual

3. Where necessary for the performance of its tasks under this Regulation, the EU Centre shall carry out, participate in or encourage research, surveys and studies, either on its own initiative or, where appropriate and compatible with its priorities and its annual

work programme, at the request of the European Parliament, the Council or the Commission.

work programme, at the request of the European Parliament, the Council or the Commission. ***The EU Centre shall support Member States and the Coordinating Authorities in conducting research, taking into account national specificities. The collected knowledge shall serve as a tool to elaborate prevention methods adapted and implemented by Coordinating Authorities in each Member State.***

Or. en

Amendment 1714

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The outcome of researches, surveys or studies carried out or led by the EU Centre shall be made publicly available.

Or. en

Amendment 1715

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 – paragraph 4

Text proposed by the Commission

Amendment

4. The EU Centre shall provide the information referred to in paragraph 2 and the information resulting from the research, surveys and studies referred to in paragraph 3, including its analysis thereof, and its opinions on matters related to the prevention and combating of online child sexual abuse to other Union institutions, bodies, offices and agencies, Coordinating Authorities, other competent authorities and other public authorities of the Member States, either

deleted

on its own initiative or at request of the relevant authority. Where appropriate, the EU Centre shall make such information publicly available.

Or. en

Amendment 1716

Paul Tang, Alex Agius Saliba, Marcos Ros Sempere, Birgit Sippel

Proposal for a regulation

Article 50 – paragraph 5

Text proposed by the Commission

5. The EU Centre shall develop a communication strategy and promote dialogue with civil society organisations and providers of hosting or interpersonal communication services to raise public awareness of online child sexual abuse and measures to prevent and combat such abuse.

Amendment

5. The EU Centre shall develop a communication strategy and promote dialogue with civil society organisations and providers of hosting or interpersonal communication services to raise public awareness of online child sexual abuse and measures to prevent and combat such abuse. ***Communication campaigns shall be easily understandable and accessible to all children, their families and educators in formal, and non-formal education in the Union, aiming to improve digital literacy and ensure a safe digital environment for children. Communication campaigns shall take into account the gender dimension of the crime.***

Or. en

Amendment 1717

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 50 – paragraph 5

Text proposed by the Commission

5. The EU Centre shall develop a communication strategy and promote dialogue with civil society organisations and providers of hosting or interpersonal communication services to raise public awareness of online child sexual abuse and measures to prevent and combat such

Amendment

5. The EU Centre shall develop a communication strategy and promote dialogue with civil society organisations and providers of hosting or interpersonal communication services to raise public awareness of online child sexual abuse and measures to prevent and combat such

abuse.

abuse. *Communication campaigns shall be easily understandable and accessible to all children, their families and educators in formal, and non-formal education in the Union, aiming to improve digital literacy and foster a safe digital environment for children.*

Or. en

Amendment 1718
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 50 – paragraph 5

Text proposed by the Commission

5. The EU Centre shall ***develop a communication strategy and promote dialogue*** with civil society organisations and providers of hosting or interpersonal communication services to raise public awareness of online child sexual abuse and measures to prevent and combat such abuse.

Amendment

5. The EU Centre shall ***liase*** with civil society organisations and providers of hosting or interpersonal communication services to raise public awareness of online child sexual abuse and measures to prevent and combat such abuse.

Or. en



2022/0155(COD)

30.5.2023

AMENDMENTS

1719 - 1909

Draft report
Javier Zarzalejos
(PE746.811v01-00)

Laying down rules to prevent and combat child sexual abuse

Proposal for a regulation
(COM(2022)0209 – C9-0174/2022 – 2022/0155(COD))

AM_Com_LegReport

Amendment 1719

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 51 – title

Text proposed by the Commission

Amendment

Processing activities and ***data protection***

Processing activities and ***principles of processing***

Or. en

Amendment 1720

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 51 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) providing the opinions on intended detection orders referred to in Article 7(3);

deleted

Or. en

Amendment 1721

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 51 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) cooperating with and responding to requests of Coordinating Authorities in connection to intended blocking orders as referred to in Article 16(2);

deleted

Or. en

Amendment 1722

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 51 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) cooperating with and responding to requests of Coordinating Authorities in connection to intended blocking orders as referred to in Article 16(2); *deleted*

Or. en

Amendment 1723

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 51 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) receiving and processing blocking orders transmitted to it pursuant to Article 17(3); *deleted*

Or. en

Amendment 1724

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 51 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) receiving and processing blocking orders transmitted to it pursuant to Article 17(3); *deleted*

Or. en

Amendment 1725

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 51 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) cooperating with Coordinating Authorities in accordance with Articles 20

(d) cooperating with Coordinating Authorities in accordance with Articles 20

and 21 on tasks related to **victims'** rights to information and assistance;

and 21 on tasks related to **survivors'** rights to information and assistance;

Or. en

Amendment 1726

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 51 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) assisting the Commission, upon its request, in connection to its tasks under the cooperation mechanism referred to in Article 37;

deleted

Or. en

Amendment 1727

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 51 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) create, maintain and operate the databases of indicators referred to in Article 44;

deleted

Or. en

Amendment 1728

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 51 – paragraph 2 – point k

Text proposed by the Commission

Amendment

(k) providing and monitoring access to the *databases of indicators and* of reports in accordance with Article 46;

(k) providing and monitoring access to the *database* of reports in accordance with Article 46;

Or. en

Amendment 1729

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 51 – paragraph 2 – point m

Text proposed by the Commission

Amendment

(m) assessing and processing reports of potential **online** child sexual abuse in accordance with Article 48;

(m) assessing and processing reports of potential child sexual abuse in accordance with Article 48;

Or. en

Amendment 1730

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 51 – paragraph 2 – point n

Text proposed by the Commission

Amendment

(n) **cooperating with Europol and partner organisations in accordance with Articles 53 and 54, including on tasks related to the identification of victims;**

deleted

Or. en

Amendment 1731

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 51 – paragraph 2 – point n

Text proposed by the Commission

Amendment

(n) cooperating with Europol and partner organisations in accordance with Articles 53 and 54, including on tasks related to the identification of **victims**;

(n) cooperating with Europol and partner organisations in accordance with Articles 53 and 54, including on tasks related to the identification of **survivors**;

Or. en

Amendment 1732

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 51 – paragraph 3

Text proposed by the Commission

3. The EU Centre shall store the personal data referred to in paragraph 2 only where and for as long as strictly necessary for the applicable purposes listed in paragraph 2.

Amendment

deleted

Or. en

Amendment 1733

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 51 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Personal data referred to in paragraph 2 shall be processed under the following principles. They shall be

(a) processed lawfully and fairly ('lawfulness and fairness');

(b) collected for specified, explicit and legitimate purposes and not processed in a manner that is incompatible with those purposes ('purpose limitation');

(c) adequate, relevant, and not excessive in relation to the purposes for which they are processed ('data minimisation');

(d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');

(e) kept in a form which permits identification of data subjects for no longer than is strictly necessary for the purposes for which the personal data are processed ('storage limitation').

Or. en

Amendment 1734

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 51 – paragraph 4

Text proposed by the Commission

Amendment

4. It shall ensure that the personal data is stored in a secure manner and that the storage is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the personal data can be accessed and processed only for the purpose for which it is stored, that a high level of security is achieved and that the personal data is deleted when no longer strictly necessary for the applicable purposes. It shall regularly review those safeguards and adjust them where necessary.

deleted

Or. en

Amendment 1735

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Paul Tang, Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 51 – paragraph 4

Text proposed by the Commission

Amendment

4. It shall ensure that the personal data is stored in *a* secure *manner* and that the storage is subject to *appropriate* technical and organisational safeguards. Those safeguards shall ensure, in particular, that the personal data can be accessed and processed only for the purpose for which it is stored, that a high level of security is achieved and that the personal data is deleted when no longer strictly necessary for the applicable purposes. It shall regularly review those safeguards and adjust them where necessary.

4. It shall ensure that the personal data is stored in *an encrypted or protected in a similarly* secure *way* and that the storage is subject to *highest state of the art*, technical and organisational safeguards. *Security requirements for data security pursuant to Article 88 of Regulation (EU) 2018/1725, Article 32 of Regulation 767/2008, Article 16 of Regulation 1987/2006, Article 16 of Regulation 2018/1862 and Article 34 of Regulation 603/2013 shall apply accordingly.* Those safeguards shall ensure, in particular, that

the personal data can be accessed and processed only for the purpose for which it is stored, that a high level of security is achieved and that the personal data is deleted when no longer strictly necessary for the applicable purposes. It shall regularly review those safeguards and adjust them where necessary.

Or. en

Justification

Placeholder AM to include more safeguards and highest cybersecurity measures.

Amendment 1736

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 51 a (new)

Text proposed by the Commission

Amendment

Article 51a

Data protection and security

1. The EU Centre shall adopt the necessary measures, including a security plan and a disaster recovery plan for its IT Systems, databases and the Communication Infrastructure in order to:

(a) physically protect data, including by making contingency plans for the protection of critical infrastructure;

(b) deny unauthorised persons access to data-processing facilities used for processing personal data (facilities access control);

(c) prevent the unauthorised reading, copying, modification or removal of data media (data media control);

(d) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of stored personal data (storage control);

(e) prevent the use of automated data-

processing systems by unauthorised persons using data communication equipment (user control);

(f) prevent the unauthorised processing of data in the databases and any unauthorised modification or erasure of data processed in the databases (control of data entry);

(g) ensure that persons authorised to use an automated data-processing system have access only to the data covered by their access authorisation by means of individual and unique user identifiers and confidential access modes only (data access control);

(h) create profiles describing the functions and responsibilities of all persons who are authorised to access the data or the data processing facilities and make those profiles and any other relevant information for supervisory purposes available to the European Data Protection Supervisor without delay upon its request (personnel profiles);

(i) ensure that it is possible to verify and establish to which bodies personal data may be transmitted using data communication equipment (communication control);

(j) ensure that it is subsequently possible to verify and establish which personal data have been input into automated data-processing systems, when and by whom (input control);

(k) prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data or during the transport of data media, in particular by means of appropriate encryption techniques (transport control);

(l) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance

with this Regulation (self-auditing) and to automatically detect within 24 hours any relevant events arising from the application of measures listed in points (b) to (k) that might indicate the occurrence of a security incident;

(m) ensure that, in the event of interrupted operations, installed systems can be restored to normal operation (recovery);

(n) ensure that the databases performs their functions correctly, that faults are reported (reliability) and that personal data stored in the databases cannot be corrupted by means of the system malfunctioning (integrity); and

(o) ensure the security of its technical sites.

2. The EU Centre shall take measures equivalent to those referred to in paragraph 1 as regards security in respect of the processing and exchange of supplementary information through the Communication Infrastructure.

Or. en

Amendment 1737
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 52 – paragraph 2

Text proposed by the Commission

2. Contact officers shall assist in the exchange of information between the EU Centre and the Coordinating Authorities that designated them. *Where the EU Centre receives reports submitted in accordance with Article 12 concerning the potential dissemination of new child sexual abuse material or the potential solicitation of children, the contact officers designated by the competent Member State shall facilitate the process to determine the illegality of the material or conversation, in accordance with*

Amendment

2. Contact officers shall assist in the exchange of information between the EU Centre and the Coordinating Authorities that designated them.

Article 36(1).

Or. en

Amendment 1738

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 53 – paragraph 1

Text proposed by the Commission

1. Where necessary for the performance of its tasks under this Regulation, within their respective mandates, the EU Centre shall *cooperate with* Europol.

Amendment

1. Where necessary for the performance of its tasks under this Regulation, within their respective mandates, the EU Centre shall *seek advice from* Europol.

Or. en

Amendment 1739

Fabienne Keller

Proposal for a regulation

Article 53 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Europol and the EU Centre shall cooperate with the NCMEC center in the fight against child sexual abuse material. This cooperation may consist of sharing their databases of known child sexual abuse materials.

Or. en

Amendment 1740

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 53 – paragraph 2

Text proposed by the Commission

Amendment

2. Europol and the EU Centre shall provide each other with the fullest possible access to relevant information and information systems, where necessary for the performance of their respective

deleted

tasks and in accordance with the acts of Union law regulating such access.

Without prejudice to the responsibilities of the Executive Director, the EU Centre shall maximise efficiency by sharing administrative functions with Europol, including functions relating to personnel management, information technology (IT) and budget implementation.

Or. en

Justification

The legal basis for this instrument does not allow to add tasks to Europol.

Amendment 1741

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 53 – paragraph 2

Text proposed by the Commission

Amendment

2. *Europol and the EU Centre shall provide each other with the fullest possible access to relevant information and information systems, where necessary for the performance of their respective tasks and in accordance with the acts of Union law regulating such access.* ***deleted***

Without prejudice to the responsibilities of the Executive Director, the EU Centre shall maximise efficiency by sharing administrative functions with Europol, including functions relating to personnel management, information technology (IT) and budget implementation.

Or. en

Justification

Article 53(2) offers the only reference in the Proposal to access by the EU Centre to Europol's information systems. It is therefore unclear for which purposes, and according to which

specific safeguards, such access would take place. The proposed EU Centre is not a law enforcement body, and under no circumstances should be granted direct access to Europol's information systems!

Amendment 1742

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 53 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Europol and the EU Centre shall provide each other with the fullest possible access to relevant information and information systems, where necessary for the performance of their respective tasks and in accordance with the acts of Union law regulating such access.

deleted

Or. en

Amendment 1743

Vincenzo Sofo, Jadwiga Wiśniewska

Proposal for a regulation

Article 53 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Europol and the EU Centre shall provide each other with the fullest possible access to relevant information and information systems, where necessary for the performance of their respective tasks and in accordance with the acts of Union law regulating such access.

Europol and the EU Centre shall provide each other with the fullest possible access to relevant information and information systems, where necessary for the performance of their respective tasks and in accordance with the acts of Union law regulating such access. *Any access to personal data processed in Europol's information systems, where deemed strictly necessary for the performance of the EU Centre's tasks, shall be granted only case-by-case basis, upon submission of an explicit request, which indicates the specific purpose and justification. Europol shall be required to diligently assess those requests and only transmit personal data to the EU Centre where strictly necessary and proportionate to the required purpose.*

Or. en

Amendment 1744
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 53 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Europol and the EU Centre shall provide each other with ***the fullest possible*** access to relevant information ***and information systems***, where necessary for the performance of their respective tasks and in accordance with the acts of Union law regulating such access.

Amendment

Europol and the EU Centre shall provide each other with access to relevant information, where necessary for the performance of their respective tasks and in accordance with the acts of Union law regulating such access.

Or. en

Amendment 1745
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 53 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Without prejudice to the responsibilities of the Executive Director, the EU Centre shall maximise efficiency by sharing administrative functions with Europol, including functions relating to personnel management, information technology (IT) and budget implementation.

deleted

Amendment

Or. en

Amendment 1746
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 53 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Without prejudice to the responsibilities of the Executive Director, the EU Centre shall maximise efficiency by sharing administrative functions with Europol, including functions relating to personnel management, information technology (IT) and budget implementation.

deleted

Amendment

Or. en

Amendment 1747
Hilde Vautmans, Olivier Chastel
Proposal for a regulation
Article 53 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Without prejudice to the responsibilities of the Executive Director, the EU Centre shall maximise efficiency by sharing administrative functions with Europol, including functions relating to personnel management, information technology (IT) and budget implementation.

deleted

Or. en

Amendment 1748
Hilde Vautmans, Olivier Chastel
Proposal for a regulation
Article 53 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The EU Centre shall operate independently of Europol and other law enforcement bodies.

Or. en

Amendment 1749
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 53 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Any transfer of personal data to Europol is governed by Regulation 2018/1725.

Or. en

Amendment 1750
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation

Article 53 – paragraph 3

Text proposed by the Commission

Amendment

3. The terms of cooperation and working arrangements shall be laid down in a memorandum of understanding.

deleted

Or. en

Amendment 1751

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 53 – paragraph 3

Text proposed by the Commission

Amendment

3. The terms of cooperation *and working arrangements* shall be laid down in a *memorandum of understanding*.

3. The terms of cooperation shall be laid down in a *working arrangements, in accordance with Article 23 (4) Regulation 2016/794*.

Or. en

Amendment 1752

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 53 – paragraph 3

Text proposed by the Commission

Amendment

3. The terms of cooperation and working arrangements shall be laid down in a memorandum of understanding.

3. The terms of cooperation and working arrangements shall be laid down in a *publically accessible* memorandum of understanding.

Or. en

Amendment 1753

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 53 – paragraph 3

Text proposed by the Commission

Amendment

3. The terms of cooperation and working arrangements shall be laid down in a memorandum of understanding.

3. The terms of cooperation and working arrangements shall be laid down in a **publically accessible** memorandum of understanding.

Or. en

Amendment 1754
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 54 – title

Text proposed by the Commission

Amendment

Cooperation with **partner** organisations

Cooperation with **external** organisations

Or. en

Amendment 1755
Hilde Vautmans, Maite Pagazaurtundúa, Olivier Chastel, Fabienne Keller, Lucia Ďuriš Nicholsonová
Proposal for a regulation
Article 54 – paragraph 1

Text proposed by the Commission

Amendment

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre may cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations.

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre may cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations **acting in the public interest, hotlines** and semi-public organisations.

Or. en

Amendment 1756
Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy
Proposal for a regulation
Article 54 – paragraph 1

Text proposed by the Commission

Amendment

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre **may** cooperate

1. Where necessary for the performance of its tasks under this Regulation, the EU Centre **shall** cooperate

with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations.

with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations *and the INHOPE network*.

Or. en

Amendment 1757

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 54 – paragraph 1

Text proposed by the Commission

1. *Where necessary* for the performance of its tasks under this Regulation, the EU Centre *may* cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations.

Amendment

1. For the performance of its tasks under this Regulation, the EU Centre *shall* cooperate with organisations and networks with information and expertise on matters related to the prevention and combating of online child sexual abuse, including civil society organisations and semi-public organisations.

Or. en

Amendment 1758

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Article 54 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In particular, the cooperation with the EU Centre referred to in paragraph 1 may include the following: (a) supporting the Commission in the preparation of the guidelines referred to in Article 3(8), Article 4(5), Article 6(4) and Article 11; (b) updating the databases of indicators referred to in Article 44; (c) innovating new and existing detection technologies; (d) making technologies available to

providers for the execution of detection orders issued to them, in accordance with Article 50(1).

Or. en

Amendment 1759
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 54 – paragraph 2

Text proposed by the Commission

Amendment

2. The EU Centre may conclude memoranda of understanding with organisations referred to in paragraph 1, laying down the terms of cooperation.

deleted

Or. en

Amendment 1760
Loránt Vincze, Miriam Lexmann, François-Xavier Bellamy
Proposal for a regulation
Article 54 – paragraph 2

Text proposed by the Commission

Amendment

2. The EU Centre *may* conclude memoranda of understanding with organisations referred to in paragraph 1, laying down the terms of cooperation.

2. The EU Centre *shall* conclude strategic and/or operational cooperation agreements with organisations referred to in paragraph 1, laying down the terms of cooperation.

Or. en

Amendment 1761
Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Abir Al-Sahlani, Lucia Ďuriš Nicholsonová
Proposal for a regulation
Article 54 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The EU Centre shall cooperate with other organisations and bodies carrying out similar functions in other jurisdictions, such as the National Centre for Missing and Exploited Children ('NCMEC') and the Canadian Centre for

Child Protection, among others, which serve the same purpose of this Regulation, as well as in order to avoid potential duplication of reporting obligations for providers.

Or. en

Amendment 1762
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 55 – paragraph 1 – introductory part

Text proposed by the Commission

The administrative and management structure of the EU Centre shall comprise:

Amendment

The administrative and management structure of the EU Centre shall ***be gender-balanced and*** comprise:

Or. en

Amendment 1763
Patrick Breyer, Alexandra Geese
Proposal for a regulation
Article 55 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) a Survivors Advisory Board, which shall exercise the tasks set out in Article 66a.

Or. en

Amendment 1764
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 55 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) a Fundamental Rights Officer, which shall exercise the tasks set out in Article 66b;

Or. en

Amendment 1765
Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation
Article 55 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) an Expert's Consultative Forum, which shall exercise the tasks set out in Article 66a;

Or. en

Amendment 1766
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

Amendment

1. The Management Board shall be composed of one representative from each Member State and **two representatives** of the Commission, all as members with voting rights.

1. The Management Board shall be composed of one representative from each Member State and **one representative** of the Commission **and one representative of the European Parliament**, all as members with voting rights.

Or. en

Amendment 1767
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

Amendment

1. The Management Board shall be composed of one representative from each Member State and two representatives of the Commission, all as members with voting rights.

1. The Management Board shall be **gender-balanced and** composed of one representative from each Member State and two representatives of the Commission, all as members with voting rights.

Or. en

Amendment 1768
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

Amendment

1. The Management Board shall be composed of one representative from each Member State and ***two representatives*** of the Commission, all as members with voting rights.

1. The Management Board shall be composed of one representative from each Member State and ***one representative*** of the Commission, all as members with voting rights.

Or. en

Amendment 1769

Patrick Breyer, Alexandra Geese

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 56 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

One member of the Technology Committee and one member of the Survivors Advisory Board as established in Articles 66 and 66a may attend the meetings of the Management Board as observers.

Or. en

Amendment 1770

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 56 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The Management Board shall also include one independent expert observer designated by the European Parliament, without the right to vote.

deleted

Or. en

Justification

covert in para 1

Amendment 1771

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 56 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Europol may designate a representative to attend the meetings of the Management Board as an observer on matters involving Europol, at the request of the Chairperson of the Management Board.

deleted

Or. en

Justification

The Management Board is free to invite guests anytime. No need to enshrine a seat for Europol in the law.

Amendment 1772

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 56 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Europol* may designate a representative to attend the meetings of the Management Board as an observer on matters ***involving Europol, at the request of the Chairperson of the Management Board.**

The EDPS may designate a representative to attend the meetings of the Management Board as an observer on ***matters relating to the protection of personal data.***

Or. en

Amendment 1773

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 56 – paragraph 3

Text proposed by the Commission

Amendment

3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in ***his/her*** absence.

3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in ***the member's*** absence.

Or. en

Amendment 1774

Patrick Breyer

on behalf of the Verts/ALE Group
Proposal for a regulation
Article 56 – paragraph 3

Text proposed by the Commission

3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in **his/her** absence.

Amendment

3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in **their** absence.

Or. en

Amendment 1775
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 56 – paragraph 4

Text proposed by the Commission

4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of combating child sexual abuse, taking into account relevant managerial, administrative and budgetary skills. Member States shall appoint a representative of their Coordinating Authority, within four months of [date of entry into force of this Regulation]. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of its work. All parties shall **aim to achieve a balanced representation** between men and women on the Management Board.

Amendment

4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of combating child sexual abuse, taking into account relevant managerial, administrative and budgetary skills. Member States shall appoint a representative of their Coordinating Authority, within four months of [date of entry into force of this Regulation]. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of its work. All parties shall **ensure that gender balance** between men and women **is achieved** on the Management Board **with at least 40% of candidates of each sex**.

Or. en

Amendment 1776
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 56 – paragraph 4

Text proposed by the Commission

Amendment

4. Members of the Management Board and their alternates shall be appointed in the light of their **knowledge** in the field of combating child sexual abuse, taking into account relevant managerial, administrative and budgetary skills. Member States shall appoint a representative of their Coordinating Authority, within four months of [date of entry into force of this Regulation]. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of its work. **All parties shall aim to achieve a balanced representation between men and women on the Management Board.**

4. Members of the Management Board and their alternates shall be appointed in the light of their **proven expertise** in the field of **preventing and combating** child sexual abuse **and victim support**, taking into account relevant managerial, administrative and budgetary skills. Member States shall appoint a representative of their Coordinating Authority, within four months of [date of entry into force of this Regulation]. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of its work.

Or. en

Amendment 1777
Patrick Breyer, Alexandra Geese
Proposal for a regulation
Article 57 – paragraph 1 – point c

Text proposed by the Commission

(c) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as for the members of the Technological Committee and of **any other** advisory **group it may establish** and publish annually on its website the declaration of interests of the members of the Management Board;

Amendment

(c) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as for the members of the Technological Committee and of **the Survivors' Advisory Board** and publish annually on its website the declaration of interests of the members of the Management Board;

Or. en

Amendment 1778
Hilde Vautmans, Fabienne Keller, Olivier Chastel, Maite Pagazaurtundúa, Lucia Ďuriš Nicholsonová
Proposal for a regulation
Article 57 – paragraph 1 – point f

Text proposed by the Commission

(f) appoint the members of the Technology Committee, and of any other advisory group it may establish;

Amendment

(f) appoint the members of the Technology Committee, **of the Children's Rights and Survivors Advisory Board** and

of any other advisory group it may establish;

Or. en

Amendment 1779

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 57 – paragraph 1 – point f

Text proposed by the Commission

(f) appoint the members of the Technology Committee, and of any other advisory group it may establish;

Amendment

(f) appoint the members of the Technology Committee, ***the Expert's Consultative Forum*** and of any other advisory group it may establish;

Or. en

Amendment 1780

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 57 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) appoint a Data Protection Officer;

Or. en

Amendment 1781

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Article 57 – paragraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(fb) appoint a Fundamental Rights Officer;

Or. en

Amendment 1782

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 57 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) adopt the opinions on intended detection orders referred to in Article 7(4), on the basis of a draft opinion provided by the Executive Director;

deleted

Or. en

Amendment 1783

Patrick Breyer, Alexandra Geese

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 57 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) consult the Survivors' Advisory Board as regards the obligations referred to in points (a), and (h) of this Article.

Or. en

Amendment 1784

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 58 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The Deputy Chairperson shall automatically replace the Chairperson **if he/she is prevented from attending to his/her duties.**

The Deputy Chairperson shall automatically replace the Chairperson **when necessary.**

Or. en

Amendment 1785

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 60 – paragraph 2

Text proposed by the Commission

Amendment

2. Each member shall have one vote. In the absence of a member, **his/her** alternate shall be entitled to exercise **his/her** right to vote.

2. Each member shall have one vote. In the absence of a member, **the** alternate **member** shall be entitled to exercise **the** right to vote.

Or. en

Amendment 1786

Paul Tang, Alex Agius Saliba, Theresa Bielowski

Proposal for a regulation

Article 61 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Executive Board shall be composed of the Chairperson and the Deputy Chairperson of the Management Board, two other members appointed by the Management Board from among its members with the right to vote and two representatives of the Commission to the Management Board. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board.

Amendment

The Executive Board shall be ***gender-balanced and*** composed of the Chairperson and the Deputy Chairperson of the Management Board, two other members appointed by the Management Board from among its members with the right to vote and two representatives of the Commission to the Management Board. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. ***The composition of the Executive Board shall take into consideration gender balance with at least 40% is of each sex.***

Or. en

Amendment 1787

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 61 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Executive Board shall be composed of the Chairperson and the Deputy Chairperson of the Management Board, two other members appointed by the Management Board from among its members with the right to vote and ***two representatives*** of the Commission ***to the Management Board***. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board.

Amendment

The Executive Board shall be composed of the Chairperson and the Deputy Chairperson of the Management Board, two other members appointed by the Management Board from among its members with the right to vote and ***one representative*** of the Commission ***and the European Parliament respectively***. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board.

Or. en

Amendment 1788

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 61 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Executive Board shall be composed of the Chairperson and the Deputy Chairperson of the Management Board, two other members appointed by the Management Board from among its members with the right to vote and **two representatives** of the Commission to the Management Board. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board.

Amendment

The Executive Board shall be composed of the Chairperson and the Deputy Chairperson of the Management Board, two other members appointed by the Management Board from among its members with the right to vote and **one representative** of the Commission to the Management Board. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board.

Or. en

Amendment 1789

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 62 – paragraph 2 – point j

Text proposed by the Commission

(j) appoint an Accounting Officer, who may be the Commission's Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of **his/her** duties;

Amendment

(j) appoint an Accounting Officer, who may be the Commission's Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of other servants, who shall be totally independent in the performance of **the Officer's** duties;

Or. en

Amendment 1790

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 62 – paragraph 2 – point p

Text proposed by the Commission

(p) authorise the conclusion of memoranda of understanding referred to in Article **53(3) and Article** 54(2).

Amendment

(p) authorise the conclusion of memoranda of understanding referred to in Article 54(2).

Or. en

Amendment 1791

Cornelia Ernst, Clare Daly

Proposal for a regulation
Article 64 – paragraph 2

Text proposed by the Commission

2. The Executive Director shall report to the European Parliament on the performance of **his/her** duties when invited to do so. The Council may invite the Executive Director to report on the performance of **his/her** duties.

Amendment

2. The Executive Director shall report to the European Parliament on the performance of **the Executive Director's** duties when invited to do so. The Council may invite the Executive Director to report on the performance of **the Executive Director's** duties.

Or. en

Amendment 1792

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 64 – paragraph 4 – point e a (new)

Text proposed by the Commission

Amendment

(ea) implementing gender mainstreaming and gender budgeting in all areas, including drafting a gender action plan (GAP);

Or. en

Amendment 1793

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 64 – paragraph 4 – point f

Text proposed by the Commission

Amendment

(f) preparing the Consolidated Annual Activity Report (CAAR) on the EU Centre's activities and presenting it to the Executive Board for assessment and adoption;

(f) preparing the Consolidated Annual Activity Report (CAAR) on the EU Centre's activities, **including the activities of the Technology Committee and the Survivors' Advisory Board**, and presenting it to the Executive Board for assessment and adoption;

Or. en

Amendment 1794

Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 64 – paragraph 4 – point g

Text proposed by the Commission

(g) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by the European Anti-Fraud Office (OLAF) and by the European Public Prosecutor's Office (EPPO) and reporting on progress twice a year to the Commission and regularly to the Management Board and the Executive Board;

Amendment

(g) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by the European Anti-Fraud Office (OLAF) and by the European Public Prosecutor's Office (EPPO) and reporting on progress twice a year to the Commission and ***the European Parliament and*** regularly to the Management Board and the Executive Board;

Or. en

Amendment 1795
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 66 – paragraph 1

Text proposed by the Commission

1. The Technology Committee shall consist of technical experts appointed by the Management Board in view of their excellence and their independence, following the publication of a call for expressions of interest in the Official Journal of the European Union.

Amendment

1. The Technology Committee shall consist of technical ***and data protection*** experts appointed by the Management Board in view of their excellence and their independence ***from corporate interests***, following the publication of a call for expressions of interest in the Official Journal of the European Union. ***Its members shall be appointed for a term of four years, renewable once. On the expiry of their term of office, members shall remain in office until they are replaced or until their appointments are renewed. If a member resigns before the expiry of his or her term of office, he or she shall be replaced for the remainder of the term by a member appointed by the Management Board.***

Or. en

Amendment 1796

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 66 – paragraph 1

Text proposed by the Commission

1. The Technology Committee shall consist of technical experts appointed by the Management Board in view of their excellence and their independence, following the publication of a call for expressions of interest in the Official Journal of the European Union.

Amendment

1. The Technology Committee shall consist of technical experts appointed by the Management Board in view of their excellence, ***particular expertise in upholding privacy and data protection*** and their independence, following the publication of a call for expressions of interest in the Official Journal of the European Union.

Or. en

Amendment 1797

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 66 – paragraph 1

Text proposed by the Commission

1. The Technology Committee shall consist of technical experts appointed by the Management Board in view of their excellence and their independence, following the publication of a call for expressions of interest in the Official Journal of the European Union.

Amendment

1. The Technology Committee shall consist of technical ***experts, in particular privacy and data protection*** experts appointed by the Management Board in view of their excellence and their independence, following the publication of a call for expressions of interest in the Official Journal of the European Union.

Or. en

Amendment 1798

Rob Rooken

Proposal for a regulation

Article 66 – paragraph 1

Text proposed by the Commission

1. The Technology Committee shall

Amendment

1. The Technology Committee shall

consist of technical experts appointed by the Management Board in view of their excellence and their independence, following the publication of a call for expressions of interest in the Official Journal of the European Union.

consist of technical, ***privacy and data protection*** experts appointed by the Management Board in view of their excellence and their independence, following the publication of a call for expressions of interest in the Official Journal of the European Union.

Or. en

Amendment 1799
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 66 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Technology Committee shall have equal representation in terms of gender.

Or. en

Amendment 1800
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 66 – paragraph 4

Text proposed by the Commission

Amendment

4. When a member no longer meets the criteria of independence, he or she shall inform the Management Board. Alternatively, the Management Board may declare, on a proposal of at least one third of its members or of the Commission, a lack of independence and revoke the person concerned. The Management Board shall appoint a new member for the remaining term of office in accordance with the procedure for ordinary members.

4. When a member no longer meets the criteria of independence, he or she shall inform the Management Board. Alternatively, the Management Board may declare, on a proposal of at least one third of its members or of the Commission, a lack of independence and revoke ***appointment of*** the person concerned. The Management Board shall appoint a new member for the remaining term of office in accordance with the procedure for ordinary members.

Or. en

Amendment 1801
Cornelia Ernst, Clare Daly
Proposal for a regulation

Article 66 – paragraph 6 – point a

Text proposed by the Commission

Amendment

(a) contribute to the EU Centre's opinions referred to in Article 7(3), first subparagraph, point (d);

deleted

Or. en

Amendment 1802

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 66 – paragraph 6 – point b

Text proposed by the Commission

Amendment

(b) contribute to the EU Centre's assistance to the Coordinating Authorities, the Management Board, the Executive Board and the Executive Director, in respect of matters related to the use of technology;

(b) contribute to the EU Centre's assistance to the Coordinating Authorities, the Management Board, the Executive Board and the Executive Director, in respect of matters related to the use of technology *and data protection*;

Or. en

Amendment 1803

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 66 – paragraph 6 – point c

Text proposed by the Commission

Amendment

(c) provide internally, upon request, expertise on matters related to the use of technology for the purposes of prevention and detection of child sexual abuse online.

(c) provide internally, upon request, expertise on matters related to the use of technology *and data protection* for the purposes of prevention and detection of child sexual abuse online.

Or. en

Amendment 1804

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Article 66 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. (d) evaluate the effectiveness of

new and existing detection technology through unknown datasets of verified indicators.

(e) establish best practices on safety by design and the voluntary use of technologies, including prevention and detection technologies, as part of providers' mitigation measures.

(f) introduce a regular reviewing and reporting process to assess and share expertise on the most recent technological innovations and developments related to detection technology.

Or. en

Amendment 1805
Patrick Breyer, Alexandra Geese
Proposal for a regulation
Article 66 a (new)

Text proposed by the Commission

Amendment

Article 66a

***Establishment and tasks of the Survivors
Advisory Board***

1. The Survivors' Advisory Board shall consist of seven members who are either survivors and victims of child sexual abuse or experts on the needs of survivors and victims of child sexual abuse, and shall be appointed by the Management Board in view of their personal experience if applicable, expertise and scope of work, following the publication of a call for expressions of interest in the Official Journal of the European Union. The Survivors Advisory Board shall ensure representation of all protected characteristics.

2. Procedures concerning the appointment of the members of the Survivors' Advisory Board and its operation shall be further specified in the rules of procedure of the Management Board and shall be made public.

3. The members of the Survivors' Advisory Board shall act in the interest of child sexual abuse victims. The EU Agency shall publish the list of members of the Survivors' Advisory Board on its website and keep it up to date.

4. If a member no longer meets the criterion of independence, he or she shall inform the Management Board. The Management Board may, on the proposal of at least one third of its members or of the Commission, determine a lack of independence and revoke the appointment of the person concerned. The Management Board shall appoint a new member for the remaining term of office in accordance with the procedure applicable to ordinary members. If a member resigns before the expiry of his or her term of office, he or she shall be replaced for the remaining term of office in accordance with the procedure applicable to ordinary members.

5. The term of office of the members of the Survivors' Advisory Board shall be four years. It may be renewed once.

6. The Executive Director and the Management Board shall consult the Survivors Advisory Board on any matter relating to victims rights and preventing and combating child sexual abuse, and they shall give a structural consult at least twice a year.

7. The Survivors' Advisory Board shall have the following tasks:

(a) ensure visibility of the interests and needs of survivors and victims of child sexual abuse;

(b) advise the Management Board on matters set out in Article 57 point (h a);

(c) advise the Executive Director and the Management Board as set out in paragraph 6 of this Article;

(d) contribute experience and expertise in preventing and combating child sexual

abuse and victim support and assistance;

(e) serve as a platform to exchange and connect for survivors of child sexual abuse;

(f) provide an annual activity report to the Executive Director as part of the Consolidated Annual Activity Report.

Or. en

Amendment 1806

Paul Tang, Alex Agius Saliba, Birgit Sippel, Theresa Bielowski

Proposal for a regulation

Article 66 a (new)

Text proposed by the Commission

Amendment

Article 66a

Establishment and tasks of the Expert's Consultative Forum

1. The EU Centre shall establish a Consultative Forum to assist it by providing it with independent advice on survivors related matters. The Consultative Forum shall act upon request of the Management Board or the Executive Director.

2. The Consultative Forum shall consist of a maximum of fifteen members. Members of the Consultative Forum shall, in an equal matter, be appointed from child survivors and parents of child survivors, as well as representatives of organizations acting in the public interest, including:

(a) organizations representing or promoting rights of the LGBTQIA+ community, specifically minors;

(b) organizations representing or promoting children's rights;

(b) organizations representing or promoting child survivors rights;

(c) organizations representing or promoting digital rights

They shall be appointed by the Management Board following the publication of a call for expression of interest in the Official Journal of the European Union.

3. The mandate of members of the Consultative Forum shall be of four years. Those mandates shall be renewable once.

4. The Consultative Forum shall:

a) provide the Management Board and the Executive Director with advice on matters related to survivors;

b) provide the Management Board, the Executive Director and the Technology Committee with advice on preventive measures for relevant information society services;

c) contribute to the EU Centre communication strategy referred to in Article 50(5);

d) provide its opinion on the proportionality of technologies used to detect known child sexual abuse;

e) maintain an open dialogue with the Management Board and the Executive Director on all matters related to survivors, particularly on the protection of survivors' rights and digital rights.

Or. en

Amendment 1807

Paul Tang, Alex Agius Saliba, Birgit Sippel, Theresa Bielowski

Proposal for a regulation

Chapter IV – Section 5 – Part 3 a (new)

Text proposed by the Commission

Amendment

3a Part 3 a (new): Fundamental Rights Protection

Article 66b Fundamental rights officer

1. A fundamental rights officer shall be appointed by the management board on the basis of a list of three candidates,

after consultation with the Expert's Consultative Forum. The fundamental rights officer shall have the necessary qualifications, expert knowledge and professional experience in the field of fundamental rights.

2. The fundamental rights officer shall perform the following tasks:

(a) contributing to the Centre's fundamental rights strategy and the corresponding action plan, including by issuing recommendations for improving them;

(b) monitoring the Centre's compliance with fundamental rights, including by conducting investigations into any of its activities;

(c) promoting the Centre's respect of fundamental rights;

(d) advising the Centre where he or she deems it necessary or where requested on any activity of the Centre without delaying those activities;

(e) providing opinions on working arrangements;

(f) providing the secretariat of the consultative forum;

(g) informing the management board and executive director about possible violations of fundamental rights during activities of the Centre;

(h) performing any other tasks, where provided for by this Regulation.

3. The Management Board shall lay down special rules applicable to the fundamental rights officer in order to guarantee that the fundamental rights officer and his or her staff are independent in the performance of their duties. The fundamental rights officer shall report directly to the Management Board and shall cooperate with the Technology Committee.

The management board shall ensure that action is taken with regard to recommendations of the fundamental rights officer. In addition, the fundamental rights officer shall publish annual reports on his or her activities and on the extent to which the activities of the Centre respect fundamental rights. Those reports shall include information on the complaints mechanism and the implementation of the fundamental rights strategy.

4. The Centre shall ensure that the fundamental rights officer is able to act autonomously and is able to be independent in the conduct of his or her duties. The fundamental rights officer shall have sufficient and adequate human and financial resources at his or her disposal necessary for the fulfilment of his or her tasks. The fundamental rights officer shall select his or her staff, and that staff shall only report to him or her.

5. The fundamental rights officer shall be assisted by a deputy fundamental rights officer. The deputy fundamental rights officer shall be appointed by the management board from a list of at least three candidates presented by the fundamental rights officer. The deputy fundamental rights officer shall have the necessary qualifications and experience in the field of fundamental rights and shall be independent in the conduct of his or her duties. If the fundamental rights officer is absent or indisposed, the deputy fundamental rights officer shall assume the fundamental rights officer's duties and responsibilities.

6. The fundamental rights officer shall have access to all information concerning respect for fundamental rights in all the activities of the Centre.

Article 66c Complaints mechanism

1. The Centre shall, in cooperation with the fundamental rights officer, take the necessary measures to set up and further

develop an independent and effective complaints mechanism in accordance with this Article to monitor and ensure respect for fundamental rights in all the activities of the Centre.

2. Any person who is directly affected by the actions or failure to act on the part of staff involved in a joint operation, pilot project, or an operational activity of the Centre, and who considers himself or herself to have been the subject of a breach of his or her fundamental rights due to those actions or that failure to act, or any party representing such a person, may submit a complaint in writing to the Centre.

3. The fundamental rights officer shall be responsible for handling complaints received by the Centre in accordance with the right to good administration. For that purpose, the fundamental rights officer shall review the admissibility of a complaint, register admissible complaints, forward all registered complaints to the executive director and forward complaints concerning members of the teams to the relevant authority or body competent for fundamental rights for further action in accordance with their mandate. The fundamental rights officer shall also register and ensure the follow-up by the Centre or that authority or body.

4. In accordance with the right to good administration, if a complaint is admissible, complainants shall be informed that the complaint has been registered, that an assessment has been initiated and that a response may be expected as soon as it becomes available. If a complaint is forwarded to national authorities or bodies, the complainant shall be provided with their contact details. If a complaint is declared inadmissible, the complainant shall be informed of the reasons and, if possible, provided with further options for addressing their concerns.

The Centre shall provide for an appropriate procedure in cases where a complaint is declared inadmissible or unfounded. Any decision shall be in written form and reasoned. The fundamental rights officer shall reassess the complaint if the complainant submits new evidence in situations where the complaint has been declared inadmissible or unfounded.

5. In the case of a registered complaint concerning a staff member of the Centre, the fundamental rights officer shall recommend appropriate follow-up, including disciplinary measures, to the executive director and, where appropriate, referral for the initiation of civil or criminal justice proceedings in accordance with this Regulation and national law.

The executive director shall ensure the appropriate follow-up and shall report back to the fundamental rights officer within a determined timeframe and, if necessary, at regular intervals thereafter, as to the findings, the implementation of disciplinary measures, and follow-up by the Centre in response to a complaint.

If a complaint is related to data protection issues, the executive director shall consult the data protection officer of the Centre before taking a decision on the complaint. The fundamental rights officer and the data protection officer shall establish, in writing, a memorandum of understanding specifying their division of tasks and cooperation as regards complaints received.

6. The fundamental rights officer shall include information on the complaints mechanism in his or her annual report, as referred to in Article 66a, including specific references to the Centre's findings and the follow-up to complaints.

7. The fundamental rights officer shall, in accordance with paragraphs 1 to 9 and after consulting the experts council, draw

up a standardised complaint form requiring detailed and specific information concerning the alleged breach of fundamental rights. The fundamental rights officer shall also draw up any further detailed rules as necessary. The fundamental rights officer shall submit that form and such further detailed rules to the executive director and to the management board.

The Centre shall ensure that information about the possibility and procedure for making a complaint is readily available, including for vulnerable persons. The standardised complaint form shall be made available on the Centre's website and in hardcopy during all activities of the Centre in languages that third-country nationals understand or are reasonably believed to understand. The standardised complaint form shall be easily accessible, including on mobile devices. The Centre shall ensure that further guidance and assistance on the complaints procedure is provided to complainants. Complaints shall be considered by the fundamental rights officer even when they have not been submitted in the standardised complaint form.

8. Any personal data contained in a complaint shall be handled and processed by the Centre, including the fundamental rights officer, in accordance with Regulation (EU) 2018/1725.

Where a complainant submits a complaint, that complainant shall be understood to consent to the processing of his or her personal data by the Centre and the fundamental rights officer within the meaning of point (d) of Article 5(1) of Regulation (EU) 2018/1725.

In order to safeguard the interests of the complainants, complaints shall be dealt with confidentially by the fundamental rights officer in accordance with national and Union law unless the complainant

explicitly waives his or her right to confidentiality.

When complainants waive their right to confidentiality, it shall be understood that they consent to the fundamental rights officer or the Centre disclosing their identity to the competent authorities or bodies in relation to the matter under complaint, where necessary.

Or. en

Amendment 1808

Rob Rooker

Proposal for a regulation

Article 83 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services, providers of interpersonal communications services and providers of internet access services shall collect data on the following topics and make that information available to the EU Centre upon request:

Amendment

1. Providers of hosting services, providers of ***number independent*** interpersonal communications services and providers of internet access services shall collect data on the following topics and make that information available to the EU Centre upon request:

Or. en

Amendment 1809

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 83 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services, providers of interpersonal communications services and providers of internet access services shall collect data on the following topics and make that information available to the EU Centre upon request:

Amendment

1. Providers of hosting services, providers of ***number-independent*** interpersonal communications services and providers of internet access services shall collect data on the following topics and make that information available to the EU Centre upon request:

Amendment 1810

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 83 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services, providers of interpersonal communications ***services and providers of internet access*** services shall collect data on the following topics and make that information ***available to the EU Centre upon request***:

Amendment

1. Providers of hosting services ***and*** providers of ***number-independent*** interpersonal communications services shall collect data on the following topics and make that information ***public***:

Or. en

Amendment 1811

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 83 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of hosting services, providers of interpersonal communications ***services and providers of internet access*** services shall collect data on the following topics and make that information available to the EU Centre upon request:

Amendment

1. Providers of hosting services, providers of interpersonal communications services shall collect data on the following topics and make that information available to the EU Centre upon request:

Or. en

Amendment 1812

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 83 – paragraph 1 – point a

Text proposed by the Commission

(a) where the provider has been subject to a detection order issued in accordance with Article 7:

— the measures taken to comply with the order, including the technologies used for that purpose and the safeguards provided;

Amendment

deleted

— *the error rates of the technologies deployed to detect online child sexual abuse and measures taken to prevent or remedy any errors;*

— *in relation to complaints and cases submitted by users in connection to the measures taken to comply with the order, the number of complaints submitted directly to the provider, the number of cases brought before a judicial authority, the basis for those complaints and cases, the decisions taken in respect of those complaints and in those cases, the average time needed for taking those decisions and the number of instances where those decisions were subsequently reversed;*

Or. en

Amendment 1813

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 83 – paragraph 1 – point a – indent 1

Text proposed by the Commission

– the measures taken to comply with the order, *including the technologies used for that purpose and the safeguards provided;*

Amendment

– the measures taken to comply with the order;

Or. en

Amendment 1814

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 83 – paragraph 1 – point a – indent 2

Text proposed by the Commission

– the *error* rates of the technologies deployed to detect online child sexual abuse and *measures* taken to *prevent or remedy any errors;*

Amendment

– the *false positives and false negative* rates of the technologies deployed to detect online child sexual abuse and *steps* taken to *mitigate the harm caused by any inaccuracy;*

Amendment 1815

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 83 – paragraph 1 – point a – indent 2

Text proposed by the Commission

– the error rates of the technologies deployed to detect **online** child sexual abuse and measures taken to prevent or remedy any errors;

Amendment

– the error rates of the technologies deployed to detect child sexual abuse and measures taken to prevent or remedy any errors;

Or. en

Amendment 1816

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 83 – paragraph 1 – point a – indent 2 a (new)

Text proposed by the Commission

Amendment

- ***including the rates of false positives and negatives, and confirmed positives and negatives***

Or. en

Amendment 1817

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 83 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the number of removal orders issued to the provider in accordance with Article 14 and the average time **needed** for removing or disabling access to the item or

(b) the number of removal orders issued to the provider in accordance with Article 14 and the average time for removing or disabling access to the item or

items of child sexual abuse material in question;

items of child sexual abuse material in question, *counting from the moment the order entered the provider's system*;

Or. en

Amendment 1818
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 83 – paragraph 1 – point b

Text proposed by the Commission

(b) the number of removal orders issued to the provider in accordance with Article 14 and the average time needed for removing *or disabling access to* the item or items of child sexual abuse material in question;

Amendment

(b) the number of removal orders issued to the provider in accordance with Article 14 and the average time needed for removing the item or items of child sexual abuse material in question;

Or. en

Amendment 1819
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 83 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the number and duration of delays to removals as a result of requests from competent authorities or law enforcement authorities;

Or. en

Amendment 1820
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 83 – paragraph 1 – point c

Text proposed by the Commission

(c) the total number of items of child sexual abuse material that the provider removed or to which it disabled access, broken down by whether the items were

Amendment

(c) the total number of items of child sexual abuse material that the provider removed or to which it disabled access, broken down by whether the items were

removed or access thereto was disabled pursuant to a removal order or to a notice submitted by a Competent Authority, the EU Centre **or a third party** or at the provider's own initiative;

removed or access thereto was disabled pursuant to a removal order or to a notice submitted by a **Judicial Authority**, Competent Authority, the EU Centre, **a national hotline, a trusted flagger, or a private individual** or at the provider's own initiative;

Or. en

Amendment 1821
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 83 – paragraph 1 – point c

Text proposed by the Commission

(c) the total number of items of child sexual abuse material that the provider removed **or to which it disabled access**, broken down by whether the items were removed **or access thereto was disabled** pursuant to a removal order or to a notice submitted by a Competent Authority, the EU Centre or a third party or at the provider's own initiative;

Amendment

(c) the total number of items of child sexual abuse material that the provider removed, broken down by whether the items were removed pursuant to a removal order or to a notice submitted by a Competent Authority, the EU Centre or a third party or at the provider's own initiative;

Or. en

Amendment 1822
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 83 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the number of instances that the provider was asked to provide additional support to law enforcement authorities in relation to content that was removed;

Or. en

Amendment 1823
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 83 – paragraph 1 – point d

Text proposed by the Commission

Amendment

**(d) the number of blocking orders
issued to the provider in accordance with
Article 16;** **deleted**

Or. en

Amendment 1824

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 83 – paragraph 1 – point d

Text proposed by the Commission

Amendment

**(d) the number of blocking orders
issued to the provider in accordance with
Article 16;** **deleted**

Or. en

Amendment 1825

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 83 – paragraph 1 – point d

Text proposed by the Commission

Amendment

**(d) the number of blocking orders
issued to the provider in accordance with
Article 16;** **deleted**

Or. en

Amendment 1826

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 83 – paragraph 1 – point e

Text proposed by the Commission

Amendment

**(e) the number of instances in which
the provider invoked Article 8(3), Article
14(5) or (6) or Article 17(5), together with**

**(e) the number of instances in which
the provider invoked Article 14(5) or (6)
together with the grounds therefor;**

the grounds therefor;

Or. en

Amendment 1827

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 83 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) the number of instances in which the provider invoked Article 8(3), Article 14(5) or (6) **or Article 17(5)**, together with the grounds therefor;

(e) the number of instances in which the provider invoked Article 8(3), Article 14(5) or (6), together with the grounds therefor;

Or. en

Amendment 1828

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 83 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) the number of instances in which the provider invoked Article 8(3), Article 14(5) or (6) **or Article 17(5)**, together with the grounds therefor;

(e) the number of instances in which the provider invoked Article 8(3), Article 14(5) or (6), together with the grounds therefor;

Or. en

Amendment 1829

Lucia Ďuriš Nicholsonová, Fabienne Keller, Yana Toom

Proposal for a regulation

Article 83 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) Educational and awareness-raising campaigns aimed at informing and alerting users about the risks of online child sexual abuse, where possible, including the impact, outreach and

effectiveness of the activities carried out on the targeted audience, disaggregated into different categories based on demographics

Or. en

Amendment 1830
Lucia Ďuriš Nicholsonová, Fabienne Keller
Proposal for a regulation
Article 83 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) Measures put in place by the providers to prevent online child sexual abuse, such as technological systems and processes, where possible, including the impact, outreach and effectiveness of the activities carried out on the targeted audience.

Or. en

Amendment 1831
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 83 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The Coordinating Authorities shall collect data on the following topics and make that information available to the EU Centre *upon request*:

2. The Coordinating Authorities shall collect data on the following topics and make that information *publicly* available, *redacting operationally sensitive data as appropriate and proving an unredacted version* to the EU Centre:

Or. en

Amendment 1832
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 83 – paragraph 2 – point a – indent -1 (new)

Text proposed by the Commission

Amendment

-1 the nature of the report and its key characteristics such as if the security of the hosting service was allegedly breached;

Or. en

Amendment 1833
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 83 – paragraph 2 – point a – indent 2

Text proposed by the Commission

– where the report led to the launch of a criminal investigation or contributed to an ongoing investigation, the state of play or outcome of the investigation, including whether the case was closed at pre-trial stage, whether the case led to the imposition of penalties, whether **victims** were identified and rescued and if so their numbers differentiating by gender and age, and whether any suspects were arrested and any perpetrators were convicted and if so their numbers;

Amendment

– where the report led to the launch of a criminal investigation or contributed to an ongoing investigation, the state of play or outcome of the investigation, including whether the case was closed at pre-trial stage, whether the case led to the imposition of penalties, whether **survivors** were identified and rescued and if so their numbers differentiating by gender and age, and whether any suspects were arrested and any perpetrators were convicted and if so their numbers;

Or. en

Amendment 1834
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 83 – paragraph 2 – point b

Text proposed by the Commission

(b) the most important and recurrent risks of online child sexual abuse, as reported by providers of hosting services and providers of interpersonal communications services in accordance with Article 3 or identified through other information available to the Coordinating Authority;

Amendment

deleted

Or. en

Amendment 1835
Patrick Breyer

on behalf of the Verts/ALE Group
Proposal for a regulation
Article 83 – paragraph 2 – point b

Text proposed by the Commission

(b) the most important and recurrent **risks** of online child sexual abuse, as reported by providers of hosting services and providers of interpersonal communications services in accordance with Article 3 or identified through other information available to the Coordinating Authority;

Amendment

(b) the most important and recurrent **types and characteristics** of online child sexual abuse **encountered**, as reported by providers of hosting services and providers of **number-independent** interpersonal communications services in accordance with Article 3 or identified through other information available to the Coordinating Authority;

Or. en

Amendment 1836
Rob Rooken
Proposal for a regulation
Article 83 – paragraph 2 – point b

Text proposed by the Commission

(b) the most important and recurrent risks of online child sexual abuse, as reported by providers of hosting services and providers of interpersonal communications services in accordance with Article 3 or identified through other information available to the Coordinating Authority;

Amendment

(b) the most important and recurrent risks of online child sexual abuse, as reported by providers of hosting services and providers of **number independent** interpersonal communications services in accordance with Article 3 or identified through other information available to the Coordinating Authority;

Or. en

Amendment 1837
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Article 83 – paragraph 2 – point b

Text proposed by the Commission

(b) the most important and recurrent risks of online child sexual abuse, as

Amendment

(b) the most important and recurrent risks of online child sexual abuse, as

reported by providers of hosting services and providers of interpersonal communications services in accordance with Article 3 or identified through other information available to the Coordinating Authority;

reported by providers of hosting services and providers of ***number-independent*** interpersonal communications services in accordance with Article 3 or identified through other information available to the Coordinating Authority;

Or. en

Amendment 1838
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 83 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) a list of the providers of hosting services and providers of interpersonal communications services to which the Coordinating Authority addressed a detection order in accordance with Article 7;

deleted

Or. en

Amendment 1839
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 83 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) a list of the providers of hosting services and providers of interpersonal communications services to which the Coordinating Authority addressed a *detection* order in accordance with Article 7;

(c) a list of the providers of hosting services and providers of *number-independent*** interpersonal communications services to which the Coordinating Authority addressed ***an investigation*** order in accordance with Article 7;**

Or. en

Amendment 1840
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation

Article 83 – paragraph 2 – point c

Text proposed by the Commission

(c) a list of the providers of hosting services and providers of interpersonal communications services to which the Coordinating Authority addressed a detection order in accordance with Article 7;

Amendment

(c) a list of the providers of hosting services and providers of ***number-independent*** interpersonal communications services to which the Coordinating Authority addressed a detection order in accordance with Article 7;

Or. en

Amendment 1841

Rob Rooker

Proposal for a regulation

Article 83 – paragraph 2 – point c

Text proposed by the Commission

(c) a list of the providers of hosting services and providers of interpersonal communications services to which the Coordinating Authority addressed a detection order in accordance with Article 7;

Amendment

(c) a list of the providers of hosting services and providers of ***number-independent*** interpersonal communications services to which the Coordinating Authority addressed a detection order in accordance with Article 7;

Or. en

Amendment 1842

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 83 – paragraph 2 – point d

Text proposed by the Commission

(d) the number of detection orders issued in accordance with Article 7, broken down by provider and by type of online child sexual abuse, and the number of instances in which the provider invoked Article 8(3);

Amendment

deleted

Or. en

Amendment 1843

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 83 – paragraph 2 – point f

Text proposed by the Commission

(f) the number of removal orders issued in accordance with Article 14, broken down by provider, the time needed to remove or disable access to the item or items of child sexual abuse material concerned, and the number of instances in which the provider invoked Article 14(5) and (6);

Amendment

(f) the number of removal orders issued in accordance with Article 14, broken down by provider, the time needed to remove or disable access to the item or items of child sexual abuse material concerned, ***including the time it took the Coordinating Authority to process the order***, and the number of instances in which the provider invoked Article 14(5) and (6);

Or. en

Amendment 1844

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 83 – paragraph 2 – point f

Text proposed by the Commission

(f) the number of removal orders issued in accordance with Article 14, broken down by provider, the time needed to remove ***or disable access to*** the item or items of child sexual abuse material concerned, and the number of instances in which the provider invoked Article 14(5) and (6);

Amendment

(f) the number of removal orders issued in accordance with Article 14, broken down by provider, the time needed to remove the item or items of child sexual abuse material concerned, and the number of instances in which the provider invoked Article 14(5) and (6);

Or. en

Amendment 1845

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 83 – paragraph 2 – point f

Text proposed by the Commission

(f) the number of removal orders issued in accordance with Article 14, broken down by provider, the time needed

Amendment

(f) the number of removal orders issued in accordance with Article 14, broken down by provider, the time needed

to remove *or disable access to* the item or items of child sexual abuse material concerned, and the number of instances in which the provider invoked Article 14(5) and (6);

to remove the item or items of child sexual abuse material concerned, and the number of instances in which the provider invoked Article 14(5) and (6);

Or. en

Amendment 1846

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 83 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) the number of blocking orders issued in accordance with Article 16, broken down by provider, and the number of instances in which the provider invoked Article 17(5);

deleted

Or. en

Amendment 1847

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 83 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) the number of blocking orders issued in accordance with Article 16, broken down by provider, and the number of instances in which the provider invoked Article 17(5);

deleted

Or. en

Amendment 1848

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 83 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) *the number of blocking orders issued in accordance with Article 16, broken down by provider, and the number of instances in which the provider invoked Article 17(5);* *deleted*

Or. en

Amendment 1849
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 83 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) *the instances in which the opinion of the EU Centre pursuant to Article 7(4) (d) substantially deviated from the opinion of the Coordinating Authority, specifying the points at which it deviated and the main reasons for the deviation.* *deleted*

Or. en

Amendment 1850
Lucia Ďuriš Nicholsonová, Fabienne Keller
Proposal for a regulation
Article 83 – paragraph 2 – point i a (new)

Text proposed by the Commission

Amendment

(ia) *the measures taken regarding prevention and victim assistance programmes, including the number of children in primary education who are taking part in awareness raising campaigns and through education programmes about the risks of all forms of sexual exploitation of children, including in the online environment.*

Or. en

Amendment 1851
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 83 – paragraph 3 – introductory part

Text proposed by the Commission

3. The EU Centre shall collect data and generate statistics on the ***detection***, reporting, removal of ***or disabling of access to*** online child sexual abuse under this Regulation. The data shall be in particular on the following topics:

Amendment

3. The EU Centre shall collect data and generate statistics on the reporting ***and*** removal of online child sexual abuse under this Regulation. The data shall be in particular on the following topics:

Or. en

Amendment 1852

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 83 – paragraph 3 – introductory part

Text proposed by the Commission

3. The EU Centre shall collect data and generate statistics on the detection, reporting, removal of or disabling of access to online child sexual abuse under this Regulation. The data shall ***be in particular on the following topics***:

Amendment

3. The EU Centre shall collect data and generate statistics on the detection, reporting, removal of or disabling of access to online child sexual abuse under this Regulation. The data shall ***include***:

Or. en

Amendment 1853

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 83 – paragraph 3 – introductory part

Text proposed by the Commission

3. The EU Centre shall collect data and generate statistics on the detection, reporting, removal of ***or disabling of access to*** online child sexual abuse under this Regulation. The data shall be in particular on the following topics:

Amendment

3. The EU Centre shall collect data and generate statistics on the detection, reporting, removal of online child sexual abuse under this Regulation. The data shall be in particular on the following topics:

Or. en

Amendment 1854
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 83 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) *the number of indicators in the databases of indicators referred to in Article 44 and the development of that number as compared to previous years;*

deleted

Or. en

Amendment 1855
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 83 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) the number of indicators in the databases of indicators referred to in Article 44 and the *development* of that number as compared to previous years;

(a) the number of indicators in the databases of indicators referred to in Article 44 and the *change* of that number as compared to previous years;

Or. en

Amendment 1856
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 83 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) the number of submissions of child sexual abuse material *and solicitation of children* referred to in Article 36(1), broken down by Member State that designated the submitting Coordinating Authorities, *and, in the case of child sexual abuse material, the number of indicators generated on the basis thereof and the number of uniform resource locators included in the list of uniform resource locators in accordance with Article 44(3);*

(b) the number of submissions of child sexual abuse material referred to in Article 36(1), broken down by Member State that designated the submitting Coordinating Authorities;

Amendment 1857

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 83 – paragraph 3 – point b

Text proposed by the Commission

(b) the number of submissions of child sexual abuse material ***and solicitation of children*** referred to in Article 36(1), broken down by Member State that designated the submitting Coordinating Authorities, and, in the case of child sexual abuse material, the number of indicators generated on the basis thereof ***and the number of uniform resource locators included in the list of uniform resource locators in accordance with Article 44(3);***

Amendment

(b) the number of submissions of child sexual abuse material referred to in Article 36(1), broken down by Member State that designated the submitting Coordinating Authorities, and, in the case of child sexual abuse material, the number of indicators generated on the basis thereof);

Amendment 1858

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 83 – paragraph 3 – point c

Text proposed by the Commission

(c) the total number of reports submitted to the EU Centre in accordance with Article 12, broken down by provider of hosting services and provider of interpersonal communications services that submitted the report and by Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3);

Amendment

(c) the total number of reports submitted to the EU Centre in accordance with Article 12, broken down by provider of hosting services and provider of ***number-independent*** interpersonal communications services that submitted the report and by Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3);

Amendment 1859

Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 83 – paragraph 3 – point c

Text proposed by the Commission

(c) the total number of reports submitted to the EU Centre in accordance with Article 12, broken down by provider of hosting services and provider of interpersonal communications services that submitted the report and by Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3);

Amendment

(c) the total number of reports submitted to the EU Centre in accordance with Article 12, broken down by provider of hosting services and provider of ***number-independent*** interpersonal communications services that submitted the report and by Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3);

Or. en

Amendment 1860
Rob Rooken
Proposal for a regulation
Article 83 – paragraph 3 – point c

Text proposed by the Commission

(c) the total number of reports submitted to the EU Centre in accordance with Article 12, broken down by provider of hosting services and provider of interpersonal communications services that submitted the report and by Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3);

Amendment

(c) the total number of reports submitted to the EU Centre in accordance with Article 12, broken down by provider of hosting services and provider of ***number independent*** interpersonal communications services that submitted the report and by Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3);

Or. en

Amendment 1861
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 83 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the total number of reports forwarded to Europol in accordance with

Article 48, as well as the number of access requests received from Europol under Article 46(4) and 46(5), including the number of those requests granted and refused by the EU Centre.

Or. en

Amendment 1862

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 83 – paragraph 3 – point d

Text proposed by the Commission

(d) the online child sexual abuse to which the reports relate, including the number of items of potential *known and new child* sexual abuse material *and instances of potential solicitation of children*, the Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3), and type of relevant information society service that the reporting provider offers;

Amendment

(d) the online child sexual abuse to which the reports relate, including the number of items of potential sexual abuse material the Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3), and type of relevant information society service that the reporting provider offers;

Or. en

Amendment 1863

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 83 – paragraph 3 – point d

Text proposed by the Commission

(d) the online child sexual abuse to which the reports relate, including the number of items of potential known *and new* child sexual abuse material *and instances of potential solicitation of children*, the Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3), and type of relevant information society service that the reporting provider offers;

Amendment

(d) the online child sexual abuse to which the reports relate, including the number of items of potential known child sexual abuse material, the Member State the competent authority of which the EU Centre forwarded the reports to in accordance with Article 48(3), and type of relevant information society service that the reporting provider offers;

Amendment 1864

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 83 – paragraph 3 – point e

Text proposed by the Commission

(e) the number of reports that the EU Centre considered manifestly unfounded, as referred to in Article 48(2);

Amendment

(e) the number of reports that the EU Centre considered ***unfounded or*** manifestly unfounded, as referred to in Article 48(2);

Or. en

Amendment 1865

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 83 – paragraph 3 – point f

Text proposed by the Commission

(f) the number of reports relating to potential new child sexual abuse material and solicitation of children that were assessed as not constituting child sexual abuse material of which the EU Centre was informed pursuant to Article 36(3), broken down by Member State;

Amendment

deleted

Or. en

Amendment 1866

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 83 – paragraph 3 – point f

Text proposed by the Commission

(f) the number of reports relating to potential ***new*** child sexual abuse material and solicitation of children that were assessed as not constituting child sexual abuse material of which the EU Centre was informed pursuant to Article 36(3), broken down by Member State;

Amendment

(f) the number of reports relating to potential ***unknown*** child sexual abuse material and solicitation of children that were assessed as not constituting child sexual abuse material of which the EU Centre was informed pursuant to Article 36(3), broken down by Member State;

Amendment 1867
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 83 – paragraph 3 – point g

Text proposed by the Commission

(g) *the results of the searches in accordance with Article 49(1), including the number of images, videos and URLs by Member State where the material is hosted;*

Amendment

deleted

Amendment 1868
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 83 – paragraph 3 – point h

Text proposed by the Commission

(h) where the same item of potential child sexual abuse material was reported more than once to the EU Centre in accordance with Article 12 or detected more than once through the searches in accordance with Article 49(1), the number of times that that item was reported or detected in that manner.

Amendment

(h) where **materially** the same item of potential child sexual abuse material was reported more than once to the EU Centre in accordance with Article 12 or detected more than once through the searches in accordance with Article 49(1), the number of times that that item was reported or detected in that manner.

Amendment 1869
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 83 – paragraph 3 – point j

Text proposed by the Commission

(j) number of victims of online child sexual abuse assisted by the EU Centre pursuant to Article 21(2), and the number of these victims that requested to receive such assistance in a manner accessible to

Amendment

(j) **the** number of victims of online child sexual abuse assisted by the EU Centre pursuant to Article 21(2), and the number of these victims that requested to receive such assistance in a manner

them due to disabilities.

accessible to them due to disabilities.

Or. en

Amendment 1870

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 83 – paragraph 3 – point j

Text proposed by the Commission

(j) number of **victims** of online child sexual abuse assisted by the EU Centre pursuant to Article 21(2), and the number of these **victims** that requested to receive such assistance in a manner accessible to them due to disabilities.

Amendment

(j) number of **survivors** of online child sexual abuse assisted by the EU Centre pursuant to Article 21(2), and the number of these **survivors** that requested to receive such assistance in a manner accessible to them due to disabilities.

Or. en

Amendment 1871

Lucia Ďuriš Nicholsonová, Fabienne Keller

Proposal for a regulation

Article 83 – paragraph 3 – point j a (new)

Text proposed by the Commission

Amendment

(ja) the measures taken by Member States regarding prevention, awareness raising, and victim assistance programmes, including the impact, outreach and effectiveness of the activities carried out on the targeted audience, where possible, disaggregated into different categories based on demographics and including best practices and lessons learned of prevention programmes.

Or. en

Amendment 1872

Patrick Breyer

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 83 – paragraph 4

Text proposed by the Commission

Amendment

4. The providers of hosting services, providers of interpersonal communications services and providers of internet access services, the Coordinating Authorities and the EU Centre shall ensure that the data referred to in paragraphs 1, 2 and 3, respectively, **is stored no longer than is necessary for the transparency reporting referred to in Article 84. The data stored** shall not contain any personal data.

4. The providers of hosting services **and** providers of **number-independent** interpersonal communications services, the Coordinating Authorities and the EU Centre shall ensure that the data **stored pursuant to** paragraphs 1, 2 and 3, respectively, shall not contain any personal data.

Or. en

Amendment 1873

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Article 83 – paragraph 4

Text proposed by the Commission

4. The providers of hosting services, providers of interpersonal communications services and providers of internet access services, the Coordinating Authorities and the EU Centre shall ensure that the data referred to in paragraphs 1, 2 and 3, respectively, is stored no longer than is necessary for the transparency reporting referred to in Article 84. The data stored shall not contain any personal data.

Amendment

4. The providers of hosting services, providers of **number-independent** interpersonal communications services and providers of internet access services, the Coordinating Authorities and the EU Centre shall ensure that the data referred to in paragraphs 1, 2 and 3, respectively, is stored no longer than is necessary for the transparency reporting referred to in Article 84. The data stored shall not contain any personal data.

Or. en

Amendment 1874

Rob Rooken

Proposal for a regulation

Article 83 – paragraph 4

Text proposed by the Commission

4. The providers of hosting services, providers of interpersonal communications services and providers of internet access services, the Coordinating Authorities and

Amendment

4. The providers of hosting services, providers of **number independent** interpersonal communications services and providers of internet access services, the

the EU Centre shall ensure that the data referred to in paragraphs 1, 2 and 3, respectively, is stored no longer than is necessary for the transparency reporting referred to in Article 84. The data stored shall not contain any personal data.

Coordinating Authorities and the EU Centre shall ensure that the data referred to in paragraphs 1, 2 and 3, respectively, is stored no longer than is necessary for the transparency reporting referred to in Article 84. The data stored shall not contain any personal data.

Or. en

Amendment 1875
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 83 – paragraph 4

Text proposed by the Commission

4. The providers of hosting services, providers of interpersonal communications services **and providers of internet access services**, the Coordinating Authorities and the EU Centre shall ensure that the data referred to in paragraphs 1, 2 and 3, respectively, is stored no longer than is necessary for the transparency reporting referred to in Article 84. The data stored shall not contain any personal data.

Amendment

4. The providers of hosting services **and** providers of interpersonal communications services **s**, the Coordinating Authorities and the EU Centre shall ensure that the data referred to in paragraphs 1, 2 and 3, respectively, is stored no longer than is necessary for the transparency reporting referred to in Article 84. The data stored shall not contain any personal data.

Or. en

Amendment 1876
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 83 – paragraph 5

Text proposed by the Commission

5. They shall ensure that the data is stored in a secure manner and that the storage is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the data can be accessed and processed only for the purpose for which it is stored, that a high level of security is achieved and that the information is deleted when no longer necessary for that purpose. They shall regularly review those safeguards and

Amendment

5. They shall ensure that the data is stored in a secure manner and that the storage is subject to appropriate technical and organisational safeguards. Those safeguards shall ensure, in particular, that the data can be accessed and processed only for the purpose for which it is stored, that a high level of security is achieved and that the information is deleted when no longer necessary for that purpose. **All access to this data shall be logged and the**

adjust them where necessary.

logs securely stored for five years. They shall regularly review those safeguards and adjust them where necessary.

Or. en

Amendment 1877
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 84 – paragraph 1

Text proposed by the Commission

1. Each provider of relevant information society services shall draw up an annual report on its activities under this Regulation. That report shall compile the information referred to in Article 83(1). The providers shall, by 31 January of every year subsequent to the year to which the report relates, make the report available to the public and communicate it to the Coordinating Authority of establishment, the Commission and the EU Centre.

Amendment

1. Each provider of relevant information society services shall draw up an annual report on its activities under this Regulation. That report shall compile the information referred to in Article 83(1). The providers shall, by 31 January of every year subsequent to the year to which the report relates, make the report available to the public ***in a machine-readable format*** and communicate it to the Coordinating Authority of establishment, the Commission and the EU Centre.

Or. en

Amendment 1878
Patrick Breyer
on behalf of the Verts/ALE Group
Proposal for a regulation
Article 84 – paragraph 1

Text proposed by the Commission

1. Each provider of relevant information society services shall draw up an annual report on its activities under this Regulation. That report shall compile the information referred to in Article 83(1). The providers shall, by 31 ***January*** of every year subsequent to the year to which the report relates, make the report available to the public and communicate it to the Coordinating Authority of establishment, the Commission and the EU Centre.

Amendment

1. Each provider of relevant information society services shall draw up an annual report on its activities under this Regulation. That report shall compile the information referred to in Article 83(1). The providers shall, by 31 ***March*** of every year subsequent to the year to which the report relates, make the report available to the public and communicate it to the Coordinating Authority of establishment, the Commission and the EU Centre.

Or. en

Justification

January is too early to have all numbers ready.

Amendment 1879

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Article 84 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The annual report shall also include the following information:

(a) the number and subject matter of detection orders and removal orders to act against alleged online child sexual abuse and the number of notifications received in accordance with Article 32 and the effects given to those orders;

(b) the number of notifications and requests received pursuant to Articles 8a and 35a and an overview of their follow-up;

(c) information on the effectiveness of the different technologies used and on the false positive and false negative rates of those technologies, as well as statistics on appeals and the effect they have on the users of its services and information of the effectiveness of the measures and obligations under Articles 3, 4, 5 and 7.

(d) information on the tools used by the provider to become aware of the reported online child sexual abuse, including data and aggregate statistics on how technologies used by the provider work.

Or. en

Amendment 1880

Cornelia Ernst, Clare Daly

Proposal for a regulation

Article 84 – paragraph 5

Text proposed by the Commission

Amendment

5. The annual transparency reports referred to in paragraphs 1, 2 and 3 shall

5. The annual transparency reports referred to in paragraphs 1, 2 and 3 shall

not include any information that may prejudice ongoing activities for the assistance to **victims** or the prevention, detection, investigation or prosecution of child sexual abuse offences. They shall also not contain any personal data.

not include any information that may prejudice ongoing activities for the assistance to **survivors** or the prevention, detection, investigation or prosecution of child sexual abuse offences. They shall also not contain any personal data.

Or. en

Amendment 1881
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 85 – paragraph 1

Text proposed by the Commission

1. By [**five** years after the entry into force of this Regulation], and every **five** years thereafter, the Commission shall evaluate this Regulation and submit a report on its application to the European Parliament and the Council.

Amendment

1. By [**two** years after the entry into force of this Regulation], and every **two** years thereafter, the Commission shall evaluate this Regulation and submit a report on its application to the European Parliament and the Council.

Or. en

Amendment 1882
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 85 – paragraph 2

Text proposed by the Commission

2. By [**five** years after the entry into force of this Regulation], and every **five** years thereafter, the Commission shall ensure that an evaluation in accordance with Commission guidelines of the EU Centre's performance in relation to its objectives, mandate, tasks and governance and location is carried out. The evaluation shall, in particular, address the **possible need to modify the tasks of the EU Centre, and the financial implications of any such modification.**

Amendment

2. By [**two** years after the entry into force of this Regulation], and every **two** years thereafter, the Commission shall ensure that an evaluation in accordance with Commission guidelines of the EU Centre's performance in relation to its objectives, mandate, tasks and governance and location is carried out. The evaluation shall, in particular, address the **impact on fundamental rights, in particular Article 7 and 8 of the Charter.**

Or. en

Amendment 1883
Paul Tang, Alex Agius Saliba

Proposal for a regulation
Article 86 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 3, 8, 13, 14, 17, 47 and 84 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of adoption of the Regulation].

Amendment

2. The power to adopt delegated acts referred to in Articles 3, 8, 13, 14, 17, 47 and 84 shall be conferred on the Commission for ***a*** period of ***5 years*** from [date of adoption of the Regulation]. ***The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.***

Or. en

Amendment 1884
Cornelia Ernst, Clare Daly
Proposal for a regulation
Article 89 – paragraph 2

Text proposed by the Commission

It shall apply from ***6*** months after its entry into force.

Amendment

It shall apply from ***18*** months after its entry into force.

Or. en

Amendment 1885
Paul Tang, Alex Agius Saliba
Proposal for a regulation
Article 89 – paragraph 3

Text proposed by the Commission

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Amendment

This Regulation shall be binding in its entirety and directly applicable in all Member States.

As from August 2024, if there is no entry into force of the proposed regulation, the regime in place shall be the one of the interim derogation, until such adoption is envisaged but no later than January

2025.

Or. en

Amendment 1886
Sven Simon, Christian Doleschal, Niclas Herbst
Proposal for a regulation
Annex I

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1887
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Annex I – title

Text proposed by the Commission

Amendment

DETECTION **ORDER** ISSUED IN
ACCORDANCE WITH REGULATION
(EU) .../... LAYING DOWN RULES TO
PREVENT AND COMBAT CHILD
SEXUAL ABUSE ('THE
REGULATION')

DETECTION **WARRANT** ISSUED IN
ACCORDANCE WITH REGULATION
(EU) .../... LAYING DOWN RULES TO
PREVENT AND COMBAT CHILD
SEXUAL ABUSE ('THE
REGULATION')

Or. en

Amendment 1888
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Annex I – title

Text proposed by the Commission

Amendment

DETECTION **ORDER** ISSUED IN
ACCORDANCE WITH REGULATION
(EU) .../... LAYING DOWN RULES TO
PREVENT AND COMBAT CHILD
SEXUAL ABUSE ('THE
REGULATION')

DETECTION **WARRANT** ISSUED IN
ACCORDANCE WITH REGULATION
(EU) .../... LAYING DOWN RULES TO
PREVENT AND COMBAT CHILD
SEXUAL ABUSE ('THE
REGULATION')

Amendment 1889

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Annex I – Section 1 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

Name of the competent judicial authority
**or the independent administrative
authority** having issued the detection
order:

Name of the competent judicial authority
having issued the detection **warrant**:

Justification

This amendment should be interpreted as changing the wording "detection orders" throughout this Annex and throughout this Regulation to "detection warrants". Detection warrants target specific devices or specific user accounts of an individual suspect against which there is a reasonable suspicion of possessing "known child sexual abuse material". Those warrants can only be issued by competent judicial authorities.

Amendment 1890

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Annex I – Section 4 – paragraph 2 – point 2

Text proposed by the Commission

Amendment

**2. The dissemination of new child
sexual abuse material as defined in
Article 2, letter (n), of the Regulation**

deleted

Justification

This amendment should be interpreted as changing the wording "detection orders" throughout this Annex and throughout this Regulation to "detection warrants". Detection warrants target specific devices or specific user accounts of an individual suspect against which there is a reasonable suspicion of possessing "known child sexual abuse material". Those warrants can only be issued by competent judicial authorities.

Amendment 1891

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel
Proposal for a regulation
Annex I – Section 4 – paragraph 2 – point 2

Text proposed by the Commission

Amendment

2. *The dissemination of new child sexual abuse material as defined in Article 2, letter (n), of the Regulation* ***deleted***

Or. en

Amendment 1892

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Annex I – Section 4 – paragraph 2 – point 3

Text proposed by the Commission

Amendment

3. *The solicitation of children as defined in Article 2, letter (o), of the Regulation* ***deleted***

Or. en

Amendment 1893

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Annex I – Section 4 – paragraph 2 – point 3

Text proposed by the Commission

Amendment

3. *The solicitation of children as defined in Article 2, letter (o), of the Regulation* ***deleted***

Or. en

Justification

This amendment should be interpreted as changing the wording "detection orders" throughout this Annex and throughout this Regulation to "detection warrants". Detection warrants target specific devices or specific user accounts of an individual suspect against which there is a reasonable suspicion of possessing "known child sexual abuse material". Those warrants can only be issued by competent judicial authorities.

Amendment 1894
Rob Rooker
Proposal for a regulation
Annex I – Section 4 – paragraph 3

Text proposed by the Commission

Where the detection order concerns the solicitation of children, in accordance with Article 7(7), last subparagraph, of the Regulation, the detection order applies only to publicly available interpersonal communications where one of the users is a child user, as defined in Article 2, point (i), of the Regulation.

Amendment

Where the detection order concerns the solicitation of children, in accordance with Article 7(7), last subparagraph, of the Regulation, the detection order applies only to publicly available ***number independent*** interpersonal communications where one of the users is a child user, as defined in Article 2, point (i), of the Regulation.

Or. en

Amendment 1895
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Annex II – title

Text proposed by the Commission

TEMPLATE FOR INFORMATION ABOUT THE IMPOSSIBILITY TO EXECUTE THE DETECTION **ORDER** referred to in Article 8(3) of Regulation (EU) .../... [laying down rules to prevent and combat child sexual abuse]

Amendment

TEMPLATE FOR INFORMATION ABOUT THE IMPOSSIBILITY TO EXECUTE THE DETECTION ***WARRANT*** referred to in Article 8(3) of Regulation (EU) .../... [laying down rules to prevent and combat child sexual abuse]

Or. en

Justification

This amendment should be interpreted as changing the wording "detection orders" throughout this Annex and throughout this Regulation to "detection warrants". Detection warrants target specific devices or specific user accounts of an individual suspect against which there is a reasonable suspicion of possessing "known child sexual abuse material". Those warrants can only be issued by competent judicial authorities.

Amendment 1896
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel
Proposal for a regulation
Annex II – title

Text proposed by the Commission

TEMPLATE FOR INFORMATION
ABOUT THE IMPOSSIBILITY TO
EXECUTE THE DETECTION **ORDER**
referred to in Article 8(3) of Regulation
(EU) .../... [laying down rules to prevent
and combat child sexual abuse]

Amendment

TEMPLATE FOR INFORMATION
ABOUT THE IMPOSSIBILITY TO
EXECUTE THE DETECTION
WARRANT
referred to in Article 8(3) of Regulation
(EU) .../... [laying down rules to prevent
and combat child sexual abuse]

Or. en

Amendment 1897
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Annex III – Section 2 – point 2 – point 2

Text proposed by the Commission

**2. New child sexual abuse material,
as defined in Article 2, letter (n), of the
Regulation**

Amendment

deleted

Or. en

Amendment 1898
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Annex III – Section 2 – point 2 – point 2

Text proposed by the Commission

**2. New child sexual abuse material,
as defined in Article 2, letter (n), of the
Regulation**

Amendment

deleted

Or. en

Justification

This amendment should be interpreted as changing the wording "detection orders"

throughout this Annex and throughout this Regulation to "detection warrants". Detection warrants target specific devices or specific user accounts of an individual suspect against which there is a reasonable suspicion of possessing "known child sexual abuse material". Those warrants can only be issued by competent judicial authorities.

Amendment 1899

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Annex III – Section 2 – point 2 – point 3

Text proposed by the Commission

Amendment

3. Solicitation of children, as defined in Article 2, letter (o), of the Regulation **deleted**

Or. en

Amendment 1900

Paul Tang, Alex Agius Saliba

Proposal for a regulation

Annex III – Section 2 – point 2 – point 3

Text proposed by the Commission

Amendment

3. Solicitation of children, as defined in Article 2, letter (o), of the Regulation **deleted**

Or. en

Justification

This amendment should be interpreted as changing the wording "detection orders" throughout this Annex and throughout this Regulation to "detection warrants". Detection warrants target specific devices or specific user accounts of an individual suspect against which there is a reasonable suspicion of possessing "known child sexual abuse material". Those warrants can only be issued by competent judicial authorities.

Amendment 1901

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Annex III – Section 2 – point 3 – introductory part

Text proposed by the Commission

Amendment

3) Content data related to the reported potential online child sexual abuse, ***including images, videos and texts, as applicable:***

3) ***Relevant*** content data related to the reported potential online child sexual abuse

Or. en

Amendment 1902

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Annex III – Section 2 – point 3 – introductory part

Text proposed by the Commission

Amendment

3) Content data related to the reported potential online child sexual abuse, including images, videos ***and texts***, as applicable:

3) Content data related to the reported potential online child sexual abuse, including images ***and*** videos, as applicable:

Or. en

Amendment 1903

Paul Tang, Alex Agius Saliba, Birgit Sippel

Proposal for a regulation

Annex III – Section 2 – point 4

Text proposed by the Commission

Amendment

4) ***Other available data related to the reported potential online child sexual abuse, including metadata related to media files (date, time, time zone):***
(Text – attach data as necessary)

deleted

Or. en

Amendment 1904

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Annex III – Section 2 – point 4

Text proposed by the Commission

Amendment

4) *Other available data related to the reported potential online child sexual abuse, including metadata related to media files (date, time, time zone):*
(Text – attach data as necessary) *deleted*

Or. en

Amendment 1905
Rob Rooken
Proposal for a regulation
Annex III – Section 2 – point 4

Text proposed by the Commission

Amendment

4) *Other available data related to the reported potential online child sexual abuse, including metadata related to media files (date, time, time zone):*
(Text – attach data as necessary) *deleted*

Or. en

Amendment 1906
René Repasi, Tiemo Wölken
on behalf of the S&D Group
Petar Vitanov
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Birgit Sippel
Proposal for a regulation
Annex VII

Text proposed by the Commission

Amendment

BLOCKING ORDER ISSUED IN ACCORDANCE WITH REGULATION (EU) .../... LAYING DOWN RULES TO PREVENT AND COMBAT CHILD SEXUAL ABUSE ('THE REGULATION') *deleted*

1

Name of the Coordinating Authority having requested the issuance of the blocking order:

(Text)

Name of the competent judicial authority or the independent administrative authority having issued the blocking order:

(Text)

Reference of the blocking order:

(Text)

2

Name of the provider and, where applicable, of its legal representative:

(Text)

Contact point:

(Text)

3

The provider is to take the necessary measures to prevent users in the Union from having access to the known child sexual abuse material indicated by the following URLs:

(Text)

The blocking order applies to the following service provided by the provider in the Union:

(Text)

When executing the blocking order, the provider is to respect the following limits and/or to provide for the following safeguards, as referred to in Article 16(5) of the Regulation:

(Text)

4

The reasons for issuing the blocking order are as follows:

(Sufficiently detailed statement of reasons for issuing the blocking order)

The blocking order applies from ... (date) to (date)

The following reporting requirements apply, in accordance with Article 18(6) of

the Regulation:

(Text)

5

Contact details of the Coordinating Authority having requested the issuance of the order for feedback on the execution of the blocking order or further clarification, including the communications referred to in Article 17(5) of the Regulation:

(Text)

6

Competent court before which the blocking order can be challenged, in accordance with Article 18(1) of the Regulation:

(Text)

Time periods for challenging the blocking order (days/months starting from):

(Text)

References or links to provisions of national law regarding redress:

(Text)

Where relevant, additional information regarding redress:

(Text)

A lack of compliance with this blocking order may result in penalties pursuant to Article 35 of the Regulation.

7

Date of issuance of the blocking order:

(Text)

Time stamp:

(Text)

Electronic signature of the competent judicial authority or independent administrative authority having issued the blocking order:

(Text)

Amendment 1907
Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Annex VII

Text proposed by the Commission

Amendment

***BLOCKING ORDER ISSUED IN
ACCORDANCE WITH REGULATION
(EU) .../... LAYING DOWN RULES TO
PREVENT AND COMBAT CHILD
SEXUAL ABUSE ('THE
REGULATION')***

deleted

1

***Name of the Coordinating Authority
having requested the issuance of the
blocking order:***

(Text)

***Name of the competent judicial authority
or the independent administrative
authority having issued the blocking
order:***

(Text)

Reference of the blocking order:

(Text)

2

***Name of the provider and, where
applicable, of its legal representative:***

(Text)

Contact point:

(Text)

3

***The provider is to take the necessary
measures to prevent users in the Union
from having access to the known child
sexual abuse material indicated by the
following URLs:***

(Text)

***The blocking order applies to the
following service provided by the provider***

in the Union:

(Text)

When executing the blocking order, the provider is to respect the following limits and/or to provide for the following safeguards, as referred to in Article 16(5) of the Regulation:

(Text)

4

The reasons for issuing the blocking order are as follows:

(Sufficiently detailed statement of reasons for issuing the blocking order)

The blocking order applies from ... (date) to (date)

The following reporting requirements apply, in accordance with Article 18(6) of the Regulation:

(Text)

5

Contact details of the Coordinating Authority having requested the issuance of the order for feedback on the execution of the blocking order or further clarification, including the communications referred to in Article 17(5) of the Regulation:

(Text)

6

Competent court before which the blocking order can be challenged, in accordance with Article 18(1) of the Regulation:

(Text)

Time periods for challenging the blocking order (days/months starting from):

(Text)

References or links to provisions of national law regarding redress:

(Text)

Where relevant, additional information regarding redress:

(Text)

A lack of compliance with this blocking order may result in penalties pursuant to Article 35 of the Regulation.

7

Date of issuance of the blocking order:

(Text)

Time stamp:

(Text)

Electronic signature of the competent judicial authority or independent administrative authority having issued the blocking order:

(Text)

Or. en

Amendment 1908

René Repasi, Tiemo Wölken

on behalf of the S&D Group

Petar Vitanov

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Birgit Sippel

Proposal for a regulation

Annex VIII

Text proposed by the Commission

Amendment

referred to in Article 17(5) of Regulation (EU) .../... [laying down rules to prevent and combat child sexual abuse]

deleted

1

Name of the provider and, where applicable, of its legal representative:

(Text)

Point of contact:

(Text)

Contact details of the provider and, where applicable, of its legal representative:

(Text)

File reference of the addressee

(Text)

2

*Name of the Coordinating Authority
having requested the issuance of the
blocking order:*

(Text)

*Competent judicial authority or
independent administrative authority
having issued the blocking order*

(Text)

Reference of the blocking order

(Text)

*Date and time of receipt of the blocking
order, including time zone:*

(Text)

3

*The provider cannot execute the blocking
order within the mandatory time period
for the following reasons (tick the
relevant box(es)):*

*1. The blocking order contains one or
more manifest errors*

*2. The blocking order does not contain
sufficient information*

*Specify the manifest error(s) and/or the
further information or clarification
necessary, as applicable:*

(Text)

4

Date and time, including time zone:

(Text)

Signature:

(Text)

Or. en

Amendment 1909

Paul Tang, Alex Agius Saliba, Birgit Sippel
Proposal for a regulation
Annex VIII

Text proposed by the Commission

Amendment

*referred to in Article 17(5) of Regulation
(EU) .../... [laying down rules to prevent
and combat child sexual abuse]*

deleted

1

*Name of the provider and, where
applicable, of its legal representative:*

(Text)

Point of contact:

(Text)

*Contact details of the provider and, where
applicable, of its legal representative:*

(Text)

File reference of the addressee

(Text)

2

*Name of the Coordinating Authority
having requested the issuance of the
blocking order:*

(Text)

*Competent judicial authority or
independent administrative authority
having issued the blocking order*

(Text)

Reference of the blocking order

(Text)

*Date and time of receipt of the blocking
order, including time zone:*

(Text)

3

*The provider cannot execute the blocking
order within the mandatory time period
for the following reasons (tick the
relevant box(es)):*

1. The blocking order contains one or more manifest errors

2. The blocking order does not contain sufficient information

Specify the manifest error(s) and/or the further information or clarification necessary, as applicable:

(Text)

4

Date and time, including time zone:

(Text)

Signature:

(Text)

Or. en